

**The Scottish Burghs during  
the Cromwellian Occupation,  
1651 – 1660**

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This thesis examines the impact of the occupation of Scotland by the English army in 1650 and 1651, and the subsequent political union that lasted from 1652 until the Restoration in 1660. It concentrates on smaller burghs, which were treated differently by the English authorities than the major burghs of Edinburgh and Glasgow, which were of more strategic importance. From the earliest times of the occupation the Scottish burgh officials followed a practical policy of co-operation with the English authorities, in order to protect their own burgh's welfare, and to retain the burghs' traditional rights and privileges under the new regime, thus, safeguarding the integrity of Scottish urban government. There was little change in the personnel in the burgh councils during the 1650s and this provided continuity in urban government from the previous Covenanting regime of the 1640s, and continued into the 1660s. This continuing link helped to minimise the disruption the English occupation brought to Scotland, and the traditional civic leaders' experience helped the burghs deal more effectively with the problems the occupation brought. These included increased financial demands by the English authorities, and the financial and social problems of quartering English soldiers, the main burden of which fell on the towns. All these brought increased poverty to an already impoverished country and increased the workload on the burgh officials. The burgh councils' effective management of these problems, and their willingness to co-operate, helped to build a good relationship with the English authorities, both at local and national levels. This was important as they found themselves distanced from the centre of political influence, which had shifted to London. The loyalty of the burghs to the English regime was based on practicality and self-interest, and they welcomed the return of the monarchy in 1660. The existence of an experienced urban leadership was important to the overall stability of the English regime, as their control of urban affairs reduced disorder in the towns and increased the effectiveness of quartering and collection of tax. In return for co-operation the English authorities proved unwilling to interfere in the internal working of the burghs. The retention of the traditional burgh structures and leaders resulted in normality returning quickly to the towns, despite the continued disruptive presence of the army. The 1650s also saw attempts by the civic leaders to tighten their control over the internal working of the burghs, as normal burgh life had become disrupted in the years of war and occupation, particularly in the areas of trade and justice.

# Contents

	Page
<i>List of Abbreviations</i>	1
<b>Introduction</b>	2
<b>From Occupation to Political Settlement</b>	19
<b>The Political Settlement of 1652</b>	48
<b>The Presence of the English Army</b>	82
<b>The Assessment</b>	125
<b>Return to Normality</b>	149
<b>The Economy of the Burghs</b>	195
<b>The Kirk and the Burghs</b>	227
<b>The Relationship between the Burghs and the English Authorities</b>	256
<b>Conclusion</b>	303
 <i>Appendix A</i>	 317
<i>Appendix B</i>	319
<i>Bibliography</i>	321

## Declaration

I declare that this thesis, submitted for the degree of PhD at the University of Edinburgh, has been composed by myself and is solely the result of my own work.

## Abbreviations

*Aberdeen Council Registers*, Extracts from the Council Register of Aberdeen.

**Abertay Hist Soc**, Abertay Historical Society.

**Ayr Arch Nat Hist Soc**, Ayrshire Archaeological and Natural History Society.

*Burgh Convention Recs.*, Extracts from the Records of the Convention of Royal Burghs of Scotland, iii.

*Edinburgh Burgh Recs.*, Extracts from the Records of the Burgh of Edinburgh.

*Glasgow Burgh Recs.*, Extracts from the Burgh Records of the Glasgow.

**NAS**, National Archives of Scotland.

**SBRS**, Scottish Burgh Record Society.

**SHR**, Scottish Historical Review.

**SHS**, Scottish History Society.

*Stirling Recs.*, Extracts from the Records of the Royal Burgh of Stirling.

*TRHS*, Transactions of the Royal Historical Society.



## Introduction

The Cromwellian regime in Scotland began in June 1650 when the Council of State in England embarked on a pre-emptive invasion of Scotland, in an attempt to neutralise the country that could be used as a Royalist base. In July, 16,000 soldiers of the English army marched into Scotland. Their defeat of the Scottish forces at Dunbar on 3 September 1650, marked the start of the English occupation of Scotland which was to last until the end of the decade. For the next nine months the English army was content to consolidate its position in the Lowlands, south of the Forth and Clyde, and it was not until the summer campaign of 1651 that they continued north. Very quickly the Cromwellian forces succeeded in occupying the whole country. Perth fell to the English forces on 3 August, Stirling on 6 August, the Committee of Estates at Alyth on 27 August, and by the middle of September the English had captured Dundee, Montrose, Aberdeen, and St. Andrews. By the end of that month virtually all of Scotland was under the control of the English army, apart from the more remote areas of the Highlands. As the Royalist army moved from Scotland into England, they were followed by the English army and defeated at the battle of Worcester by Cromwell, on 3 September 1651. The English had left a force of around 7,000 to 8,000 men <sup>1</sup> in Scotland under the command of Lieutenant General George Monck, who was later to become a key figure in the English government in Scotland.

The way had been opened for the invasion of the English army after the Covenanting regime, that had existed from the early 1640s, had been split by the Engagement of December 1647, when the more moderate wing of the Covenanters

produced a treaty between themselves and Charles I. This split the Covenanting regime in two, and after the Engagers' army had been defeated at Preston, in August 1648, by Oliver Cromwell, power in Scotland passed to the more radical kirk party regime. After the execution of Charles I on 30 January 1649, Charles II was proclaimed King by the Scottish parliament, and on 23 June 1650 he accepted the Covenants, an act which his father had steadfastly refused to do. On 1 January 1651, Charles II was crowned King, even as Cromwell's forces controlled all of the country south of the Forth.

Cromwell, as commander in chief of the English forces, had been reluctant, at first, to use force to bring Scotland into line. He had tried to come to an agreement with the Kirk party before the invasion began, in an attempt to 'conquer Scotland with words rather than bloodshed'.<sup>2</sup> Cromwell had regarded the Scottish as godly, but misguided,<sup>3</sup> but his failure to convince the rigid Presbyterian leaders of the Commonwealth's ideals, meant that he felt compelled to use force, in order to safeguard the new English Commonwealth. It was from this view of the Scottish people that the principles behind the political settlement the English were to impose on the newly conquered nation stemmed. The situation that Scotland presented to the English leaders in London, once the country had been conquered by the army, was unusual and one which the Commonwealth leaders had no precedent for. Scotland was an independent country, and therefore the English authorities in Westminster were unsure as to what political role it should be allowed to take in the Commonwealth. Alongside this they had to find the most practical way in which they could govern the new territory. The English parliament did not seem to have given the question of a Scottish political settlement much thought until after Cromwell's

victory at Dunbar. In November 1650, Sir Arthur Heselrig, governor of Newcastle, and Mr Thomas Scot, who was in charge of the Commonwealth's intelligence activities, were sent to Scotland, to investigate the state of the country and their findings were reported to the House of Commons on 23 January 1651. The Commons in turn passed the matter on to the Council of State, with a remit to consider persons to be sent to Scotland 'to settle all Things that may conduce to the Advantage of this Commonwealth, in easing the Charge thereof, by making the best profit of the Lands within the Quarters of the Army there'.<sup>4</sup> These were the same instructions that had been given by parliament when they had come to discuss the matter of the Irish occupation the year before. Four men were nominated, and agreed upon, by the Council of State and the Committee for Scottish affairs, but before they could take up their posts events in Scotland caught up with them and the military campaign of the second half of 1651 put political matters on hold.

The need for a political settlement became more urgent after the victories of the English army in Scotland. The English parliament moved quickly, and the question of a settlement was referred to a committee who were ordered to word a Bill to implement the annexation of Scotland, and for 'asserting the Right of this Commonwealth to so much of Scotland as is now under the Power of the Forces of this Commonwealth'. On 26 September 1651, the House of Commons instructed the Council of State to nominate persons to be sent as commissioners to Scotland (two men, Richard Saltonstall and Samuel Desborough, had already been sent north during the summer to implement any private instructions that the Council of State would send). The 'Instructions', which were to be the commissioners' guidelines,



were prepared by a group of MPs, known as the Scottish and Irish Committee, and were presented to parliament on 4 December.

Up to this point in the proceedings, it seemed likely that annexation of Scotland would follow but when the settlement was introduced into the House of Commons, as the 'Parliament's Declaration on Scotland', it became clear that the English were offering more than annexation, and instead proposed a union of the two Kingdoms, and the chance for Scotland to become incorporated into the 'godly Commonwealth'. The Declaration was passed on 28 October and it was clear it was in principle, at least, an offer and not an assertion. Along with the Instructions given to the commissioners, these two documents were to provide the basis of government in Scotland for the next three years.

The Declaration of 28 October 1651 contained three main clauses. The first of these dealt with the thorny problem of religion and in it parliament promised, somewhat ambiguously, to 'advance the power of true religion'. Whether this referred only to Presbyterianism, or whether it was intended to extend the principle of religious toleration that had been introduced in England to Scotland, was not made clear. The second clause dealt with security factors, and in it the English promised that freedom would be given to the people of Scotland in order to protect the security of the Commonwealth. This clause also promised Scotland's incorporation into the Commonwealth, and thus the government of England 'without King, or House of Lords' would become Scotland's government as well. The third clause involved more practical matters, including the financial aspects of the settlement, and it dealt with, in particular, the compensation which the English wanted to extract for the damages incurred by them during the Scottish Engagers' invasion of England in

1648 under the leadership of the Duke of Hamilton. This money was to go towards 'the lessening the future charge of the Commonwealth'. In it they claimed the property, goods and revenue of Charles Stewart, the Crown and State of Scotland, as well as of those who had fought under Hamilton. Along with this, it laid down those who could expect the largesse and the protection of the Commonwealth. This was to be extended to all those who had deserted the Royalist cause before the battle of Dunbar in 1650, and who had not actively opposed the Parliament's cause. They were to be pardoned, and offered a chance to share in the material prosperity that the parliament intimated the incorporation into the Commonwealth would bring.

The Declaration said that all those in Scotland who wished to partake of this offer, and to enjoy the liberties already held by their English brethren, were to put themselves under the protection of parliament by surrendering to an English garrison within a period of thirty days after the Declaration had been proclaimed in their area. Such an offer appeared to be most generous on the part of the English parliament, as with the whole of Scotland under the control of the English army, they were in a position to impose a less favourable settlement on the Scottish people. The reasons why the English parliament decided on incorporation instead of annexation were never made clear, but the decision may have been due, in part, to the vast expense that keeping Scotland under solely military control would have entailed.

If the English authorities had annexed Scotland, they would have succeeded in their primary objective, which was the security of the Commonwealth. However, by offering incorporation, they could perhaps make the Scots look upon the Commonwealth favourably. This would not only afford better security, but it would also lessen the financial burden of the army. The more stable the country, the fewer



soldiers were needed to maintain order. If a civilian settlement was successful, and added stability and security proved conducive to an upturn in the economic conditions, this would in turn help pay for the occupation internally and ease the financial burden on parliament and the English authorities in Scotland. Incorporation was also preferable to annexation in terms of the constitutional position of Scotland under English rule. By incorporating the two countries, the English would completely destroy the remaining rights of the Stewarts to any throne in the British Isles, and replace it with the Commonwealth regime. If incorporation replaced the union of Crowns, and constitutionally legitimised the English occupation, then any further Royalist resistance to the Commonwealth would be against 'the lawful government of the nation, rather than that of independent forces whose political commitment in their own country threatened the stability of England'.<sup>5</sup> Under the terms of the incorporation offered to the Scottish people, they were to lose their own political representative body, and instead all affairs were to be conducted through the English parliament, which shifted the political centre from Edinburgh to Westminster.

Whatever the reasons for offering the union were, the Bill was passed by the Commons and 2,000 copies were printed. However, parliament had directed that the settlement should be kept a secret until such time as was chosen for the appointed commissioners to announce it publicly, after they had been safely established in Scotland. The secrecy surrounding the document indicated, perhaps, that the English did not anticipate an overly enthusiastic response to the Declaration, and this secrecy proved to be symptomatic of all the dealings the English would have with the Scots on the issue of the political settlement.

The English commissioners appointed by parliament were Oliver St. John, Sir Henry Vane, Major Richard Salwey, George Fenwick, the governor of Berwick, Richard Tichborne, Major General Deane, and Major General Lambert. The last two were joint commanders of the forces in Scotland, along with George Monck. The English commissioners from parliament arrived in Dalkeith on 15 January 1652, ready to implement a settlement based on two documents: the 'Declaration' of 28 October, and the 'Instructions' which had been given to them by parliament. The latter included orders over the matter of justice, and also more pertinent to the case of local government and the burghs, gave the commissioners power to remove officials who were regarded as dangerous to the security of the Commonwealth.<sup>6</sup>

Their first proclamation, once settled in Scotland, was to annul all 'Power, Jurisdiction, or Authority derived from, by, or under Charles Stuart, who pretendeth himself king of Scotland, or any of his predecessors, or any otherwise then from the Parliament of the Commonwealth of England'.<sup>7</sup> The Scots were to be given the opportunity to assent to the offer of union by subscribing to a document which was known as the 'Tender of Incorporation', but they were not given any details of the settlement until the Declaration was proclaimed at the mercat cross in Edinburgh on 12 February 1652. Consultations with representatives of the burghs and shires followed over the next three months, and, eventually, the English managed to obtain, what was, nominally, a voluntary acceptance by the deputies from each constituency, to the offer on the Tender of Incorporation. Out of the 89 shires and burghs in Scotland, ultimately 56 accepted the Tender of Incorporation. Once the constituencies had signed the Tender they were formally taken under the protection of parliament, which provided them with a more stable and secure position under the

occupation. On 25 April 1652, the declaration of proposed union was announced at the mercat cross in Edinburgh. This marked the start of the union of the two countries that was the basis of the occupation of Scotland over the next decade. The formalities of finalising the settlement moved to London, and due to continued upheavals in the political arena there, it was not until 12 April 1654 that the Ordinance of union was finally passed. This was a formality, and in practical terms, the union of the two countries existed after the Tender of Incorporation had been accepted in 1652.

Scotland's new political position made little difference to the vast majority of the people in the country in practical terms. Before the commissioners left Scotland in May 1652, they had begun work on certain innovations in government with the establishment of the 'Committee for the administration of justice' in January 1651, the appointment of the 'Commissioners for visiting and regulating Universities', and the appointment of 'Commissioners for confiscated and forfeited lands and estates'. These committees, and the work of the Commissioners, were to form the political framework for Scotland over the next eight years.

The ultimate power in Scotland, however, remained in the hands of the military authorities in Edinburgh and Leith under the command of Richard Lilburne, and any moves towards a new civilian government in Scotland were halted in the summer of 1653 as increased unrest in the Highlands began to threaten the security and stability of the country. The military authorities began to take control of the situation once more. A Royalist rising confined mainly to the Highlands, known as Glencairn's rising, dominated the political situation in Scotland, and it was not until 1655, after the rebellion had been crushed, and security had been restored to the country, that the



major innovations in government in Scotland during the Cromwellian regime came about. In September 1655, a Council of State for Scotland was set up in Edinburgh, and it marked the start of a move on the part of the English authorities towards a more civilian government. The main influential figure on the council in 1655 was Roger Boyle, Baron Broghill, who was on the council for a year, as president. The other major figure in the years of occupation was General George Monck, who returned to the Scottish arena in April 1654, when he replaced Lilburne as commander in chief for the forces in Scotland. The Council of State sought to involve civilians in all aspects of government, at both a local and a national level, in an attempt to integrate the Scottish people into the union. It was part of a conciliatory attitude that had been prevalent throughout the English occupation, which had first been noticeable in the attitude of the army towards civilians, and which was embodied politically in the Tender of Incorporation and the Ordinance of Union. Until the restoration of the monarchy in 1660, this conciliatory type of government continued to be exercised by the English authorities.

The main functions of the government lay in the administration of justice, and taxation. The former was needed to maintain order and the latter to pay for both the civilian and military government in Scotland. As will be explored later, the matter of finance and taxation was the overriding concern of the English authorities throughout the 1650s. The military occupation in the country was extremely expensive, particularly because of the cost of improving fortifications. In the course of the decade the English army built five major forts in Leith, Perth, Inverlochy, Inverness and Ayr, as well as maintaining twenty other smaller garrisons, all of which required money for improvements and upkeep.

The English authorities managed successfully to keep control over the whole of Scotland after 1655 without further unrest. This was due both to their continued policies of conciliation and co-operation in civilian government, coupled with the large military force that remained in the country throughout the decade. As Monck and the English army left Scotland in December 1659 to march on parliament, thus marking the end of the English occupation, the Scottish people were left, in general, seemingly quiescent and still willing to co-operate with him.

### **Presbyterian opposition to the settlement**

Although this thesis is based on the secular government of the burghs, the influence of the Scottish church was never far away in the 1650s. After the court of James I moved to London in 1603 after the Union of the Crowns, it has been claimed that the church provided the nearest thing the Scots had to a permanent national institution.<sup>8</sup> The split in the Covenanters after the Engagement in 1648 had a lasting effect on the Church in Scotland. The Presbyterians split into two factions, the Resolutioners, who had been in support of the Engagement, and the more hardline Protesters, otherwise known as the Remonstrants. These parties became divided not only on political matters but also on issues of theology and doctrine. The two church parties' failure to reach a compromise with each other, despite their common objections to the English political settlement of 1652, may well have had a great effect on the lack of effective resistance in Scotland to the incorporation of 1652. The objections to the political settlement in 1652 were led by the Presbyterian clergy and their supporters on both sides. They were particularly fearful that the English policy of religious toleration



would be extended to Scotland but, rather than using this common opposition to fight what could have been an erosion of their spiritual and secular power, the divisions between them only widened despite attempts to bring them closer together. The lack of positive leadership from the clergy and the sides' continuing divisions may have weakened the power of the church over those involved in secular politics. It is not surprising that many of the laity ignored the protestations of the kirk parties and turned to the English settlement with its promise of peace.

Despite their divisions the Presbyterians did provide a voice for the opposition to the settlement. The Protesters sent a letter to Cromwell on 2 January 1652, which was signed by the leading Protesters, Archibald Johnston, Lord Wariston, Sir John Chiesley, Patrick Gillespie, James Guthrie and Alexander Brodie. The letter was passed to Major General Lambert to send to Cromwell, but, having read it, he refused to give a pass to the man who was to carry it to London. In the letter they expressed their fears for religion, and they also questioned the legality of the English rule in Scotland, based as it was on military force. More importantly for the case of the burghs, the letter contained worries that the English would impose on the burghs and shires 'Magistrats of contrarie principles and practises to the doctrine, worship, discipline and Government of this kirk'.<sup>9</sup> The church parties, it seemed, were very concerned for their influence over the civilian office holders in the country.

The Resolutioners did not produce a public renunciation of the occupation, but approached the Protesters in mid February 1652 to suggest a reconciliation in order to provide a united front against the English. A meeting held in February failed to achieve anything and resulted only in the breach between the two parties widening. Like the Protesters, the Resolutioners feared for the civilians involved in the political

settlement in Dalkeith, and they drew up 'a short direction for brethrens carriage, and advice to people, especiallie commissioners of shyres and burghs'.<sup>10</sup> This failure to take the opportunity to unite against the English was one of the great weaknesses of the Scottish clergy in this period. Not only did they fail to provide an effective opposition to the settlement of 1652, but the bickering and division that continued amongst them, meant that many of the laity were unwilling to take their lead from those who could offer them nothing, in 1652, apart from spiritual succour. Support of the English political settlement at least brought the hope of material security, at a time when it was badly needed.

Both sides of the church saw the Tender of Incorporation as being in breach of the Solemn League and Covenant. Firstly, that it opened the way for toleration and thus deprived the kirk of its primary place in Scotland, and secondly, because it breached the third article of the Solemn League and Covenant in which the Scots were 'tyed to defend the person of the King'.<sup>11</sup> Thus they exhorted the deputies from the shires and burghs, who went to the negotiations over the political settlement, to refuse it. The fact that the majority of the deputies from the burghs accepted the Tender, and co-operated with the English, as will be explored further in this work, showed how, by 1652, the church parties had already lost much of their influence in secular politics, at least in an urban context. It marked the way for the course of burgh politics in the Cromwellian period, which were remarkably free from the influence of the kirk and based mainly on the practical co-operation of the English authorities and the burgh elites. The history of the government of the two church parties in the Cromwellian occupation has been well documented, but it had little influence on the course the burghs took during the same years. The divisions

between the two sides persisted throughout the 1650s, and in 1655 Broghill, attempted to bring the sides closer together. Although he failed in this objective, he did manage to draw them closer to the English authorities, and by the end of the decade all the factions in the church had accepted that in order to achieve their aims, they, as the laity had discovered before them, would have to use the channels of the English authorities. Although, in essence, they remained opposed to the English regime in Scotland as the decade wore on co-operation became the practical course to take.

### **The state of the burghs**

If this was the overall outline of the English occupation of Scotland then what is to be examined in this work is the role played in the regime by the Scottish burghs. The burghs had during the 1640s played a distinct part in the national politics of Scotland, and they had been strongly represented in central government. They had been wholeheartedly committed to the covenanting movement, which they had supported for a number of reasons. These included the increased interference by Charles I in religion and municipal politics, but, more importantly, because of economic grievances including the increased taxation since 1620.<sup>12</sup> This enthusiasm for the covenanting movement is important to bear in mind when looking at the burghs' reactions to the Cromwellian occupation from 1651 onwards, as it is hard to equate this with the level of co-operation the burghs were to give to the new English regime.

The burghs of Edinburgh and Glasgow had experienced sweeping changes in council personnel throughout the 1640s, due to various purges that had been carried out internally;<sup>13</sup> this was not, however, noted in the smaller burghs, where the



council personnel of the 1640s tended to remain fairly static and carried on into the 1650s. Perth, Pittenweem, Linlithgow, Burntisland, Peebles and Elgin, for example, did not show any major changes in council personnel in either the 1640s or the 1650s. It is this continuity that helped the burghs emerge from the years of war, plague, economic hardship, invasion and disruption which they had experienced, with much of their internal structure intact. Although, in 1651, urban government in the burghs was not at full working level, the Cromwellian occupation was to provide them with a stability in which they could begin to return to normality.

In many areas the experience of the burgh of Edinburgh, and to a lesser extent that of Glasgow, have been used in other works to illustrate the more general experience of the Scottish burghs during the Cromwellian occupation. On the other hand the strategic importance of these two major burghs to the English government in the 1650s resulted in their being treated differently. The English authorities interfered more in the makeup of these two burghs, trying to ensure throughout the 1650s that their councils were staffed by men known to be sympathetic to the English regime. This interference in civic politics, as will be expanded on later, was notably absent in the other burghs. Therefore, a clearer picture of the Scottish burgh élite's attitude to the Cromwellian union, can be seen by looking at some of the burghs, which were of less importance to the English government. Edinburgh and Glasgow were perhaps seen as examples to be followed by the other burghs, and the English felt it was imperative that they were seen as models of co-operation. However, their importance as role models for the smaller burghs may have been over emphasised by the English authorities; as Stevenson points out Edinburgh's role as leader of the burghs had been severely damaged by its enthusiastic support for the

Engagement.<sup>14</sup> Edinburgh's experience under the English regime differed so completely from other burghs that it could no longer be expected to offer a lead to them in the same way as it had done in the past.

Although, the same problems existed in the two cities as in the smaller burghs, and often the reactions of their councils were also the same, the fact that there was English interference in their council make up sets them apart from the other burghs. Glasgow and Aberdeen were also different from the other burghs as these two were the only towns where there were signs that trade actually flourished during the 1650s.<sup>15</sup> This economic upturn is not evident in the other burghs, and in most cases there was a stagnation of an already depressed economy, which affected the burghs most profoundly.

In order to obtain a more general picture of the burghs, records of the kirk sessions and councils from the following burghs have been mainly used: Linlithgow, Burntisland, Haddington, Hamilton, Perth, Ayr, Dalkeith, Pittenweem, Elgin, Dumbarton, Peebles, and Fortrose. Evidence from other burghs has also been used, including Edinburgh and Glasgow, although the significant difference between these two and the rest of the towns must be borne in mind.

Urban government was one of the few areas of the Scottish political structure that was still in place at the beginning of the political settlement, and it also proved to be the area of government in Scotland where the conciliatory policies, employed by the English authorities, were to prove most successful. In 1657 the extent of the co-operation of the burghs with the English authorities was clear when Monck, as commander in chief, defended the integrity of Scottish burgh government to Cromwell, praising them, as ' the very first that owned us and submitted to us, and



have since lived peacefully under us, and whose reason is most agreeable with ours by reason of trade and traffick, and so more easily to be interwoven with ours and therefore more tenderly and carefully to be cherished by us'.<sup>16</sup> It is how and why the burghs followed this course during the 1650s that is to be explored.

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- <sup>1</sup> F. D. Dow, *Cromwellian Scotland* (Edinburgh, 1979), 11.
  - <sup>2</sup> D. Stevenson, 'Cromwell, Scotland and Ireland', J. Morrill (ed.) *Oliver Cromwell and the English Revolution* (London, 1992), 161.
  - <sup>3</sup> *ibid.*, 161.
  - <sup>4</sup> *Journals of the House of Commons, 1651-1659*, vii, 527.
  - <sup>5</sup> L. Smith, 'Scotland and Cromwell. A Study in Early Modern Government', (Oxford D.Phil.thesis, 1979), 58.
  - <sup>6</sup> Dow, *Cromwellian Scotland*, 33.
  - <sup>7</sup> *A Diary of Public Transactions and other occurrences chiefly in Scotland. From January 1650 to June 1667. By John Nicoll.*, ed. D. Laing (Spalding Club, 1863), 80.
  - <sup>8</sup> K.M. Brown, *Kingdom or Province* (London, 1993), 3.
  - <sup>9</sup> *Register of the Consultations of the Ministers of Edinburgh*, ed. W. Stephen (SHS, 1921), 4-5.
  - <sup>10</sup> D. Laing (ed.) , *Letters and Journals of Mr. Robert Baillie*, iii (Edinburgh, 1842), 174.
  - <sup>11</sup> 'Reasons for the Dissent of Kirkcudbrightshire', Portland MSS Nxx 145, C. S. Terry (ed.), *The Cromwellian Union* (SHS, 1902), 119.
  - <sup>12</sup> D. Stevenson, 'The Burghs and the Scottish Revolution', M. Lynch (ed.), *The Early Modern Town in Scotland* (London, 1987), 169-177.
  - <sup>13</sup> D. Stevenson, 'The Burghs and the Scottish Revolution', in M. Lynch (ed.), *Early Modern Town in Scotland* (London, 1987), 185.

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- <sup>14</sup> D. Stevenson, 'The Burghs and the Scottish Revolution', M. Lynch (ed.), *The Early Modern Town in Scotland* (London, 1987), 173.
- <sup>15</sup> T. Devine, 'The Cromwellian Union and the Scottish Burghs', J. Butt & J.T. Ward (eds.), *Scottish Themes* (Edinburgh, 1976), 9-12.
- <sup>16</sup> *Extracts from the Records of the Burgh of Edinburgh, 1642-1655*, ed. M. Wood (Edinburgh, 1938), 267.

## **From Occupation to Political Settlement, 1651 – 1652**

It is important to look at the experience of the Scottish burghs during the period from the invasion of the English army, and the effect that the occupation of the English army had on the burghs in these years, as it is this experience that set the tone for the whole occupation of the 1650s. It is impossible to look at the acceptance by the burghs of the Tender of Incorporation and the subsequent entry of the burghs into the union with England without first examining their experience under the authority of the English army. It is argued here, that the English authorities' agenda in dealing with the Scottish burghs during the months prior to the offer of Incorporation into the Commonwealth had a great influence on how the burgh authorities reacted to the Tender. It is also contended that the Tender of Incorporation may have been imposed by the English Parliament on a reluctant population, as has been previously argued, but, that the burghs became willing participants in it in part due to their experiences under English rule in 1651.

By the end of 1651 Englishmen reported from Scotland that they found the country war weary, lacking enthusiasm and almost totally resigned to its fate as a conquered nation. Reports reached London, from Englishmen in Scotland, that by the end of 1651 that the Scottish people were in general 'willing to be brought into order and rather part with King, Lords, and all, than undergo the miseries of a new warr'.<sup>1</sup> There is little doubt that this was true: by 1651 40,000 Scots were either dead or captured and the countryside, especially in the south, had been devastated by the English invasion. From September 1651 onwards, after the fall of Dundee and the advance of the English troops into Aberdeen and the north east, the burghs

throughout the country began to appear to be keen to co-operate fully with the English authorities and to work under the new regime. The reasons for this collaboration are more complex than can be explained by mere war weariness and lack of enthusiasm for new conflict and it is these reasons that are to be explored in this chapter.

The acquiescence of the Scottish burghs can be explained in a three fold manner: firstly, the most pressing reason was the sheer military force which the English had deployed in Scotland resulting in many burghs containing an English force; secondly, the attitudes of the burgh élites themselves towards the new English authorities and the burgh councils' emphasis on the survival of their burgh power, privileges and traditions under English occupation; thirdly, and perhaps more importantly, the success of the English military authorities in utilising a policy of moderation to produce a state in which the acquiescence of the burghs was a favourable option for them. F. D. Dow, in *Cromwellian Scotland* maintains that the English were keen to emphasise that they were committed to a policy of even-handed justice and good government. It is argued that the English army, by the end of 1651, had already made headway in cajoling the Scots into reconciliation after they had coerced them into submission with the military occupation. They achieved this objective by the enforcement of strict military discipline, the restoration of law and order, the dispensing of even handed justice, and the relief from quartering and the assessment, which was monthly taxation collected by the army from the Scottish people.<sup>2</sup> This policy of moderation used by the English army in Scotland, in its apparent wish to try and gain the co-operation of the Scots rather than impose their will, has its basis in the role which the English parliament had conceived for



Scotland in terms of national politics, and its designs for a union. It also reflects Cromwell's personal view of the Scots as godly but misguided.<sup>3</sup>

The policies described above, which were used by the English army in the dealing with the Scottish people, provided a settled framework in which the burgh élites could begin to position themselves in the new regime. This in turn resulted in a more stable political climate, which was favourable for both sides. However, these were not the only policies that were important when explaining the co-operation of the burghs with the English army. The vital factor in the policy of the English army towards the burghs was its respect for the integrity of urban government, and their non-interference in its basic structure and autonomy. It was all these tactics, which were used with differing emphasis and levels of success, that are the key to the role of the burghs in accepting the political settlement embodied in the Tender of Incorporation, and in defining the relationship between the English authorities and the burghs throughout the Interregnum. In the case of the burghs, it was not simply the fear of renewed violence that led to co-operation, but also a certain of level of self interest. The reaction of the burghs to these ideas before 1652 will be examined, as this is central to their role in the Cromwellian union.

### **Military Superiority**

It is not possible to ignore the fact that the English presence in Scotland was one of a conquering army. In 1651 the English had a force numbering 10,000 in Scotland. The presence of these foreign soldiers in the country was particularly significant to many of the burghs, as many of the garrisons were situated in or near towns. These included Ayr, Hamilton, Burntisland, Dumbarton, Perth, Stirling, Dundee, Leith and



Inverness. Even those with no permanent garrisons could not escape the problem of quartering which was usually intermittent as troops passed through, although sometimes staying many months, as in the case of Peebles. The coexistence, therefore, of the urban population in the burghs and the English forces in 1650 and 1651 played a significant part in determining the later relationship between the burgh elites and the English authorities.

In the period before the political settlement of 1652, the behaviour of the troops and their officers living in such close proximity to the townspeople would have influenced the burgh councils' opinion about the quality of life under English rule. It may not have changed their theoretical outlook on a union with England, as the English were still an enemy occupying force, but it was an indication of how they could be treated in the future. It appeared that the English authorities also recognised this and were keen to show restraint in their dealings with the burghs and their inhabitants.

The physical threat of the English army was the overriding factor in the initial acquiescence of the burghs. In many cases it was the ever-present fear of danger that was the major factor in the burgh officeholders' willingness to co-operate with the English occupying forces. Many burghs had suffered grievous amounts of destruction at the hands of the English army in the campaigns of 1650 and the summer of 1651. Linlithgow, for example, suffered major damage to the fabric of the burgh and it later computed its losses from the English invasion to be in the region of £20,500 sterling.<sup>4</sup> The enormous physical destruction in Linlithgow involved damage to major public buildings, including the demolition of their tolbooth and damage to the kirk as well. The fall of Dundee to Monck's troops and the horrors the burgh

suffered at the hands of the English army were enough to prove to the Scots what the English army was capable of. After the English army had taken the town, the soldiers had been allowed twenty four hours to loot, but it was two weeks before they could be brought under control by army command. It resulted in major damage to the town, and the murder of some 800 inhabitants.<sup>5</sup>

The horror that Dundee had suffered meant that most of the burghs caused little resistance when the English troops arrived, after September 1651. They were usually rewarded by little trouble from the English army and therefore saved themselves and the town from serious damage. Some burghs in the northeast were keen to show their acquiescence even before the English arrived, in the hope that they would escape altogether. Elgin's council on 26 November 1651 appointed the provost and the baillies to go to Banff 'to the Englisches when they are come that length' to treat with them in order to prevent any trouble by showing a willingness to co-operate.<sup>6</sup> At this stage in the proceedings, it would have been reasonably clear to the burgh authorities of Elgin that, with the rest of Scotland south of them under English control, there was little else they could do but try and save the burgh from any unnecessary grief.

Once the English had occupied the whole country, apart from some areas of the Highlands, the first thing they did was to ensure that their strict military discipline was enforced. After the pillaging of Dundee, the English court martial records show that the army officers were not willing to tolerate any errant behaviour in their troops. On 19 September 1651 orders were given 'That noe man should bee out of his quarters, nor sitt uppe drinking in their quarter after the tattoe beaten'. Fornication with Scots women was also forbidden, and the soldiers had to stay within

half a mile of the garrison unless they were given specific permission from their officers.<sup>7</sup> There is evidence from the court martial records that, in Dundee, in 1651, although there were a few disorderly quartered soldiers who got drunk and beat servants, these were dealt with strictly and quickly by the military authorities.<sup>8</sup> The court martial records are testament to the fact that the English officers were keen to prove to the Scots that the military governors were impartial in their justice and quick to maintain the discipline of their troops. This was vital if the English were to obtain the co-operation of the Scottish population.

This attempt by the English to keep strong control over their soldiers affected the burghs in which the soldiers were quartered. This strict discipline was a positive thing, not only in the manner the English kept a tight rein on their own men but, by proving to the Scots that they were fair and impartial, it fostered better relations between the English military authorities and the burgh councils. It further enabled the council officials of the burghs to attend to burgh business in a more ordered fashion, despite the potentially disruptive presence of quartered soldiers. Despite the presence of English troops in the burghs, the military discipline appears to have reduced the amount of trouble to a minimum. The tight control over the quartered soldiers made it easier for the burgh councils to start the process of reviving the aspects of urban government that had become neglected in the periods of war and invasion. There was no evidence, in any of the council minutes examined, of any trouble caused by quartered soldiers in the towns in the period running up to 1652, despite the fact that the threat of disorder was ever present due to the large numbers of soldiers settled in or near many of the burghs. Any cases that involved military personnel may well have been dealt solely by the army courts. The strict discipline enforced by the army



command reduced the fear of the English troops becoming unruly and threatening due to lack of discipline after the country had been occupied.

## Finance

The largest area of contact between the burghs and the English was in the realm of the financial demands placed by the army on the burghs. The first of these came in the shape of the needs of an occupying force: free quartering, furnishings for garrisons, horses, the supply of coal and candle, and, in some cases, the demands for occasional lump sums for the local garrisons. The council in Paisley complained that it found the demands of the occupying force to be almost perpetual.<sup>9</sup> On one occasion, Captain Robeson the commander of the troops stationed there sent a missive to the burgh council that he was not content with his beds and demanded that the town supply him with three feather beds. The council had grown so desperate at his demands that it refused and challenged the captain to come into the town and take them.<sup>10</sup> Burntisland's council minutes of 6 August 1651 noted that because of the charges made by the English garrison on the town, it needed to collect money and 'find it now equitable to uplift the maintenance bygane'.<sup>11</sup> Here the Burntisland council took the initiative over the financial demands being made on them by the army, and it began to collect money from the inhabitants in its own regulated way.<sup>12</sup> By doing this the council officials were protecting the financial interests of the burgh and proved that they had begun to treat the English occupation as more than transitory.

By late 1651 the demands of monthly maintenance for the English forces soon outstripped the amounts the burghs had previously supplied for the Scots army; being



around one and a half times the assessment of 1649 to 1651.<sup>13</sup> In December 1651 the assessment for the English army began to be organised on a more regular basis; free quarter was taken off in most parts of the country and replaced by the monthly assessment known as the cess.<sup>14</sup> It was the issue of finance that drew the burgh councils into dealings with the English authorities. These at first were at a local level, with contacts with local army commanders and the governors of garrisons in larger centres close to the burgh. Later on, it was these financial affairs that resulted in the first contact between the burghs and the English authorities at a national level.

In order to gain money from the burghs the English army was more inclined to use tactics that threatened the essence of burgh government rather than the more direct threat of violence. In September 1650 the governor of Linlithgow Palace, Colonel Sandeson, contacted the council of Linlithgow who were still in Culross, where they had retreated in the face of the English invasion of their burgh, to demand £100 sterling as ransom for their burgh charters.<sup>15</sup> This was the first contact the English had with the traditional leaders of the burgh, and although the councillors had exiled themselves, and were hostile to the English, Sandeson was still willing to negotiate with them when it concerned money. It was a clever tactic as the Linlithgow leaders were forced into negotiations with the English because the charters of the burgh were in jeopardy. In the end representatives of the council went back to Linlithgow to treat with the governor and a price of £30 sterling was agreed for the return of the charters, which they took back to Culross.<sup>16</sup> The charters of the burghs were the basis of a burgh's privileges, rights, freedoms and liberties and to threaten these was a novel, but effective way to extort money from an otherwise unwilling and absent council.

This scenario sheds more light on other factors in the complex relationship between the English army and urban government, not least on the fact that the English were willing to let the town charters back into the hands of those civic leaders who had been previously unwilling to co-operate with them. This incident shows that in the first wave of occupation money was the motivating factor behind army negotiations with local magistrates. It did however give an early indication of the English authorities' future policy towards the burgh leadership. Indeed, the reactions of the Linlithgow council also pointed the way to what would later be the general policy of most burgh councils towards the English; they would be willing to co-operate with them when it came to defending the rights, privileges and government of their burgh. The Linlithgow council was unlucky enough to have to pay for its charters again in October 1651, when it came to retrieve them from the English army in Dundee.<sup>17</sup> The council had sent them there for safekeeping before the English army had crossed the Forth. This time the town paid the sum of £48 Scots and 'those that were preservit were brought home'.<sup>18</sup>

There are other examples of threats being used to extort money. When the English army entered Aberdeen in September 1651 it demanded that the burgh provide free quartering and also the sum of £12,000 Scots within eight days or the sum demanded would be doubled.<sup>19</sup> Four members from the council were dispatched to Edinburgh with the objective of having this sum reduced,<sup>20</sup> and on 17 September 1651 three other representatives were sent to Dundee to the army officers there to consult with them over this matter.<sup>21</sup> It was reported in the council minutes that the army 'were content to superceid the wptaking of the said soume wpone our said good carriage'.<sup>22</sup> In effect, if the English officers received assurances that the burgh

authorities would not oppose them they would reduce the financial demand. This was important as the burghs were in a very poor condition after the years of war and disturbance, and there was little money to be had. It is certain that this financial threat had as much influence on the Aberdeen magistrates as the physical threat did in ensuring their acquiescence to the English forces.

For the most part, the English army did not use force to extract money from the burgh authorities in Scotland during the military campaign of 1651. However, they did use the threat of force to try to make the council of Glasgow pay their demands in September 1651.<sup>23</sup> It was reported in the Glasgow council minutes of 29 September that they were to send money to the army commanders in Stirling 'in respect of ane threatening letter sent from the garrison of Stirling for sending to thame of some cesse they want'.<sup>24</sup> The Glasgow councillors were not willing to risk the wrath of the army, particularly as this event occurred in the period just after the siege of Dundee, and, therefore, they agreed 'for eschewing of farder inconvenience to the towne, it is thocht most convenient, concludit and ordanit that the proveist himselfe goe thither to speik with the Inglisch thairanent and give them some money in Hand'.<sup>25</sup> It is not clear how much they were required to send but the council found it could not send the full amount as the city coffers did not stretch to the amount asked of it. Despite orders of 23 September to uplift the excise, the collectors failed to gather enough and the council agreed that it would have to try and borrow the money.<sup>26</sup>

The threats made to Glasgow in 1651 for money were unique, and there is no evidence of any similar threats being made to the other burghs. The reasons for this may be two-fold; firstly, the English authorities may have wanted to use Glasgow as an example to other burghs, that if they did not pay their cess, then the army were



prepared to use force to make them: secondly, and perhaps more likely, was the fact that Glasgow did not have an army presence on the town, the nearest garrison being in Hamilton. The urgency for payment therefore may not have been felt so greatly by the council in Glasgow as in other towns which had direct contact with the troops. The English army was not forced to take any action as the threat of force was enough to persuade Glasgow council to get the money for the cess.

As will be shown in other areas of this work, it is generally true that the English were more likely to interfere in the workings of the larger burghs, especially Edinburgh and Glasgow, and left the smaller urban authorities more or less undisturbed. This non-interference in burgh affairs is central to the burghs' role during the Cromwellian regime. The reasons why the English authorities chose to leave the towns alone, to a large extent, is probably due to the fact that the co-operation of the burghs, and their ability to continue to function uninterrupted, played an important part in the making of the new regime. A strong urban network and continuous urban government, at least nominally loyal to the regime, made the task of establishing English authority in the country a lot easier. The burgh councils helped in this from the start, as it was clear that they were prepared to co-operate with the English army in order to preserve their rights and privileges. It is probable that the co-operation of the traditional burgh elites would not have occurred, or they would have been less enthusiastic towards the English authorities, had they shown any inclination to interfere, or prevent, urban government from following its traditional path.

The financial demands of the occupying English forces brought the initial co-operation of the urban authorities. It was perhaps the contact concerning the cess that

was to become the biggest factor in the relationship between the burgh councils and the English authorities throughout the 1650s. Burgh leaders who had been less than enthusiastic at the coming of the English found themselves co-operating with the occupying forces in order to keep control of the financial demands that were being made of them. The potential economic revival of the burghs was very much bound up with the level of tax that was being demanded of them and it was this concern for the financial welfare of their burghs that produced the first contact with the English authorities at more than a local level. The heavy demands on the towns necessitated the burgh councils to appeal to the army authorities for reductions in the amounts being asked for.

Pittenweem was ordered to pay £130 Scots, monthly, to the garrison at Perth in September 1651. The treasurer of the burgh went at first to the English governor at Perth to ask for 'ease of yis havie burden of assessment now imposit be the englisch'. The governor refused the supplication, saying that there was nothing he could do at that time.<sup>27</sup> Failing here, the treasurer went to General Monck, and later, Colonel Overton, governor of Dundee, for the same reason.<sup>28</sup> As this incident with Pittenweem shows, the burghs were determined to find a way to ease their burdens. At first they tended to supplicate local army officers for reductions in their levels of taxation, either in the burgh itself or, more usually, in the nearest large army centre. Dumbarton, on 27 December 1651, received an order from Major General Lambert that their cess was to be £153.6.0 Scots, monthly, and a commissioner from the council was appointed straight away to go to Stirling to see what could be done to reduce this amount.<sup>29</sup> Although Dumbarton castle was still occupied by Royalist

forces in December 1651, the burgh authorities were still willing to work with the English army to attempt to limit the financial damage to the burgh.

The matter of finance was hard especially when the demands of the army were irregular and unpredictable. It hit the burghs hard and so contact was necessary if the civic authorities were to try to protect the interests of the burghs. The English demands for a monthly maintenance replaced their ad hoc demands for money. Although high and difficult to meet (for example, on 31 October 1651 Monck set Aberdeen's cess at £35 sterling a week from 11 October until 11 November 1651),<sup>30</sup> this was, in a sense, preferable for the burgh councils as they could organise the collection of the cess in a more organised and regulated way.

It also gave some burghs the opportunity to take stock of the damage done to the towns, not only to assess the cost for themselves, but also to try and prevent themselves being overtaxed. Linlithgow's council on 15 December 1651, after hearing reports that the English were to lay one month's cess for their army on burghs south of the Forth, feared 'that if thay not tymouslie informit of the condition of our town and lossis, thay lay upon us moir nor we will be able to pay'. So in an attempt to try and help itself it chose a commissioner to supplicate the English officers in the Palace about the amount.<sup>31</sup> Here Linlithgow was typical of other burghs, for although it knew that it had to comply with the English orders, there was no question of not making the payments; it wished to attempt to limit the amount by appealing to the English authorities directly. In Linlithgow's case it transpired its share was £20 sterling a month, and the council expressed in their minutes that they felt they needed to comply with the order as they feared further danger and



inconvenience would result if they did not. They were unable to pay the whole sum, however, as the burgh did not have enough money.<sup>32</sup>

In order to help themselves, on 20 December 1651, the Linlithgow council decided to survey all the losses of the burgh and its inhabitants, particularly those resulting from the invasion of the English, and to have the report in readiness to give to the army officers.<sup>33</sup> The council report of 27 December 1651 showed that it reckoned its losses, due to the English invasion, to come to the vast sum of £25,500 sterling.<sup>34</sup> The Linlithgow council, in order to strengthen their case, supplicated Colonel Lytcott, the governor of Linlithgow Palace, and Colonel Kid, another officer, and made them aware of the burgh's financial position. The two officers 'acceptit favorable and hes promised to befriend us being sensible and sure knowledge of our extrieorinarie lossice'.<sup>35</sup> As well as getting the backing of the local commanders, two men were chosen to ride to Edinburgh to supplicate Major General Lambert and the other Commissioners of parliament, newly arrived from England, to try and get a reduction in the town's cess payments.<sup>36</sup>

The good relationship struck up between Lytcott and the Linlithgow council worked well for the burgh throughout the Interregnum and, in general, his sympathetic attitude towards them made the case for the burgh's petitions to the authorities in Edinburgh considerably stronger. In particular, he helped the council when they petitioned the central authorities for money for the rebuilding of the tolbooth later in the decade (see p 152). The burgh authorities in Linlithgow seem to have become resigned to their need to co-operate with the army, and this along with the computing of the losses by the burgh, indicated that there was a general

acceptance by the civic authorities that the war was over, and that the English occupation was to be permanent.

Other burghs also sent lists of their losses to the English authorities. Peebles sent a commissioner to Lambert on 29 December 1651 to convey the amount of damage sustained by the burgh and its inhabitants due to the English army.<sup>37</sup> The Aberdeen council decided on 8 January 1652 to send one of the councillors, John Jaffray, to Dundee to see Major General Lambert 'concerning the sad conditione of the toune', again, to see if there could be any reduction in its payments.<sup>38</sup>

The arrival of the commissioners from parliament at Dalkeith, in January 1652, provided the burghs with a new level of political structure from which they could seek delays and reductions in the demands for cess. The first news of the commissioners' arrival brought petitions and visits of representatives from some of the burghs, who seized the opportunity to state their case regarding their financial difficulties to these parliamentary representatives. Burntisland council minutes reported on 12 January 1652 that a representative was to be sent to Dalkeith to petition the representatives of the English parliament, recently arrived there, for ease of their cess, which stood at £19.3.0 sterling monthly, or if a reduction was not forthcoming, at least a delay in the payment of the sum.<sup>39</sup>

On 15 January 1652, a representative was appointed by the council of Pittenweem to go to Edinburgh to 'represent the low conditione of this brut and supplicate the commissionars come from England for eass of publict burdings'.<sup>40</sup> The arrival of the commissioners saw the end of the vast majority of petitions to the local garrisons for the easing of cess. Before the commissioners had arrived the burghs had either gone to their local commanders, or had sent representatives to supplicate the

army leaders in Leith, for relief from the cess, as they had represented the ultimate English authority in Scotland. From January 1652 onwards, even though the burghs were not aware of the English authorities' plans for the future of Scotland, the arrival of the representatives of the English political body, rather than the military one, was seized upon and used by the civic authorities.

## **Political Issues**

The complete control of the English army over the country brought with it a certain level of stability and order that had previously been lacking in Scotland. It was true that the Scots had no influence over the political settlement imposed in 1652, but there existed a relative peace and order in which local urban government could begin to restore itself, in the new frameworks imposed upon them, firstly by the military regime and later the political regime. Smith in her thesis contends that, by the end of 1651, there was a political vacuum at all levels in Scotland.<sup>41</sup> This is definitely true at a national level, and may be true of the shires, but this does not appear to have been the case at local level in the urban context. The political structures of the burghs, embodied in the council and other burgh officials, had survived fairly intact despite the English occupation and the years of war before that. The urban political structure appears to have been capable of survival at a basic level, despite the lack of a coherent political structure at a national level in 1650 and 1651. In fact, the arrival and total occupation of the country by the English army in late 1651 sparked a new resurgence in the workings of the urban councils, judging by the increase in the business, recorded in the council minute books and burgh court books. Where there are no burgh records for the period of invasion, the burgh councils' sudden re-



emergence in late 1651 would suggest that there had been a level of government present during this period, even if the official minutes had not been continued. It may have been that the minute books were put away for safe keeping, as the charters and other burgh documents had been.

The amount of business carried out by the councils had fallen away in the 1640s and in some cases very little or no business was recorded at all. For example, in the Perth minutes only the names of the new council elected every year were recorded, but no other business.<sup>42</sup> The arrival of the English and the complete occupation of the country were taken by the burghs as a chance to restore their fortunes and re-establish full working burgh government. The occupation of the country, and the stability the military regime brought, was used by the burghs to their advantage. After years of disruption eventually culminating in a state of national political chaos, the arrival of the English and their implementation of military rule, with moderation, in the country gave the burghs a certain amount of stability in which they could begin to rebuild the towns. This was only possible only because the English seemed extremely keen to work with the burgh officials in order to facilitate the easier occupation of the country. The true loyalty of the burgh authorities seemed to be of very little consequence; it was their willingness to fully co-operate with the military regime, and latterly the political regime that was crucial for the English.

It has been suggested that the English were able to operate in Scotland, as there were men keen to work with them in return for a chance to gain places of power they had been unable to attain under the previous regime. In the burghs, it was those who had held power previously, who were willing to co-operate in order to hold to their positions. It appears that the vast majority of the burgh officials who had been in

power prior to the English occupation kept their positions and quickly moved to co-operate with the English authorities. However, some cases later showed a lack of co-operation as a result of individual consciences.

So the collaboration of the councils with the English before 1652 was the start of what was to be an interesting relationship between the English authorities and the burghs. The switch in allegiance from Scots to English occurs because, ultimately, the priority of the council of each burgh was to the welfare of the burgh itself, and the safeguarding of the burghs' privileges, customs, traditions and position. The threat constantly hovering over them in the shape of the English army meant that their compliance could be excused, in the short term. This was particularly true of the financial welfare of the burghs, especially in the face of the economic and physical difficulties that they had endured in the previous decade.

Despite this the English policy of letting the burghs continue their government of the towns untouched, up to the political settlement, was a good way to ensure the burgh councils worked well with them. The continuation of urban government went hand in hand with the efficient task of restoring order in the burghs and the collection of taxes; it was in the interest of the new military regime that this administration was carried out by the burgh councils themselves. If the urban bureaucracy was willing to co-operate, stability in the towns could only help the English strengthen their new regime. The policy of non-interference started before 1652, and apart from a few measures introduced to maintain stability, as will be discussed later, it will be shown that the English authorities were happy to keep urban government running along existing lines.

In the early days of English occupation in 1651 and early 1652, this revival of urban government and reassertion of magisterial control meant that there was less chance of disorder in the towns. For those towns where there were English soldiers garrisoned, the re-establishment of strong council control, with the tacit support of the English authorities, meant that the civilian population could be controlled by their own officials, which, coupled with the strict discipline of the English soldiers, kept disorder to a minimum. It seems that, the less disrupted the burgh government was, the easier the transition to English occupation was. This was due to the fact that the traditional bureaucracy controlled these burghs, and therefore it was easier to co-ordinate relations between the soldiers in the burgh and the urban population from the beginning. Burntisland is a fine example of this. The Burntisland council records show an uninterrupted run of council business through the 1640s and into the 1650s, but the amount of council business fell away from early 1650.<sup>43</sup> Although the council was still in place, it is obvious that there was much less council business being carried out, even before the English army entered the burgh in August 1651. There was a large garrison established in the town, and as the main ferry port to Leith there was a continuous passing of troops through the burgh. Despite these disruptions the council began to regulate council business on a more regular basis. From the very earliest days of the occupation of the burgh, the Burntisland council took great pains to regulate the quartering in the burgh, keeping records of who was quartered on and how much they were owed. This must have contributed to an easier and more orderly life in the burgh, and there were no reports of trouble mentioned in the council records, despite the large numbers of soldiers staying there on both a long, and a short-term basis. Not all burghs began to regulate quartering from such an early



stage, but it is clear from the case of Burntisland that regulation by the civic officers helped both the town, and the English army, control an otherwise difficult situation.

### **Continuity in Burgh Government.**

As with Burntisland, most burghs had council personnel in place in 1651, but working at a severely reduced rate. The survival of the burghs in their traditional form, and the retention and non-interference by the English in their government, has much to do with the fact that the burghs were quick to restore themselves to almost full working levels when the military occupation of the country was barely complete. Much of this has to do with the fact that there was a certain continuity in the personnel in the councils throughout the 1640s and into the 1650s. All the burghs, with council records prior to 1652, consulted for this thesis, had some form of council in place at the end of 1651. In nearly all cases, these men were the same personnel that had been in power throughout the 1640s. In many cases the records for the 1640s are fairly sparse; indeed for Perth, all that was recorded from 1641 until 1651 was the lists of the men who were elected annually as councillors. Even this showed that there was still a continuity in burgh government throughout the period as the lists themselves show no major changes in personnel. There was even an election of council, held at the normal time, in October 1651, only one month after the fall of the burgh to the English army.<sup>44</sup> The occupation of the country disrupted elections elsewhere in 1651, but there were elections held in Perth, Linlithgow, and Pittenweem. There was a note on 4 October 1651 in the Linlithgow records, that the burghs of Stirling and Glasgow had already chosen their council for the coming year, despite being occupied by the enemy forces.<sup>45</sup> Elsewhere, the councils elected in

1650 appear to have remained in power. The reason there were no burgh elections in 1651 in some burghs, can be assumed to be due to the disruption caused by the invasion of the English army. Possibly the sitting councillors held back orders for the new elections until they could ascertain what was in store for them under English military rule. Certainly there is no evidence of any burghs being expressly prevented from holding elections by the English military authorities. It also may have been possible that the burgh officials did not wish to hold elections in early October, at the conventional time, as this was in the period immediately after the fall of most of the country, and at a time when those in power in the towns were negotiating with the English authorities. Any change in personnel could have caused unwanted complications.

In Linlithgow the election of October 1651 was not held solely because other burghs had elected their councils. The members of the previous council, who had gone to Culross in 1650 and who had returned to the burgh in 1651 to continue governing from there, had not been an elected council. The council minutes record that they ‘wer for the most pairt formerlie counselleuris’ who, it was said, had

stired up the heartis and putt it in the mynd of our honestmen to go  
alongis meitt and continew in love together in the brut of Culross and  
gave them ... courage wisdome and understanding frielie, lovinglie and  
unanimouslie to meitt together at all tymes upon all occasiones without  
interruptioun and to enact and do cordalie and conduceable for the pair  
sinking brut.<sup>46</sup>

These men, on their return to the burgh, needed to hold an election to legitimise their own position as well as to provide a council for the burgh, according to burgh laws,

allowing the town to negotiate with the English in a lawful manner.<sup>47</sup> This illustrated how important it was to the burgh authorities that issues concerning the government of the burghs were carried out in a way in keeping with their own statutes and laws. This was why the non-interference in their burgh affairs by the English authorities was so appealing to them.

The Linlithgow council and their sojourn in Culross is interesting and provides an example of how the collective welfare of the town and magisterial privileges became more important than the religious consciences of the burgh as a whole, in the period after the occupation of the country was complete. It is clear from Linlithgow's example that individual ideology was often disregarded in an attempt to gain the best deal for the burgh. The men from Linlithgow who had fled to Culross in 1650 had gone because they felt that they could not run the burgh with the English occupying the town, as they were afraid that any co-operation with them would be seen by the kirk authorities as compliance with the enemy.<sup>48</sup> Those men who had resided in Culross reported their experiences when in that burgh, when they arrived back in September 1651, a record of which was inserted in the council minute book. Here the men recorded that, in 1650, although they accepted that they were at the mercy of the English, they could not bring themselves to negotiate with Colonel Sandeson over the charters at first, as they feared they would be guilty of compliance with the enemy.<sup>49</sup> At this stage in the English occupation, the problem of complying with the enemy was more of an issue than later in 1651 when they returned to the burgh. After they petitioned the commission of the kirk at Stirling over the matter, and were told on 17 November 1650 that they were allowed to meet with Sandeson on this subject, it was promised by the kirk authorities 'that it sould nevir be holdin hereftir as



compliance'. Only then did the Linlithgow councillors go to retrieve their charters from the English governor.<sup>50</sup> Straight away they sent the charter chest to Dundee for safekeeping, a decision that was later to prove rather unfortunate. The £30 sterling for the charters was difficult to raise and the men in Culross ended up borrowing 500 merks from Thomas Thomson, a merchant of Linlithgow.

Once back in Linlithgow, the reason they gave for why they had returned to the town, and why they wanted to hold the election, despite the fact the town was still occupied by the enemy, was that they perceived that 'this brut can not be well governed in this hard tyme ... nor wrongons nor oppressiones done among nichtbouris takin away nor vyces nor wickednes cassit without magistrates'.<sup>51</sup> Linlithgow council was not alone in regarding the government of the burgh in such a practical manner, despite objections to the occupation. Edinburgh also had an impromptu committee which acted as a makeshift council in the burgh from October 1650. Its work was commended by the city council on 6 April 1653, who reported that

the few handfull of the nighbors than present in Toun being in a most dangerous conditioun and finding themselfis deserted of their Magistratts and miniesteris and greatest part of the nighbors and that their wes ane necessitie lyand upoun them to have some publict face of governement within the said brugh to be instrumentall for the saftie and preservatioun of the remainder of the Cittie from utter ruine and to keip some sort of correspondence with the English Armie then quartered within the brugh did convey among themselfis and unanimouslie agrie to make choyce of a committee of the nighbors to that effect.<sup>52</sup>

The reasons expressed in this explanation of the actions of the men in Edinburgh held true for the co-operation of men on other councils in late 1651 and early 1652, that was to safeguard their burghs in the face of the enemy occupation.

It is clear that once the country came under control of the English from the autumn of 1651 onwards, there is evidence that councils in some of the burghs began to seek to restore their burghs to their former glory. Almost immediately there is evidence that physical damage was repaired which demonstrated that the burgh authorities did not see the beginnings of any new hostilities in the immediate future. On 9 December 1651, Linlithgow council ordered that the town clock and fountain be repaired.<sup>53</sup> In Peebles, the council appointed men to meet with prominent heritors of the parish and Lord Yester to 'confer with them anent the repara[t]i[o]n of the churche', which had been damaged by the English army.<sup>54</sup> Further evidence of repairs will be examined later, but it is sufficient to say here that such repairs were only possible due to the unexpected stability and increased security that the English occupation brought to the burghs and the country in general.

Peebles is a fine example of a burgh that was not greatly affected by the occupation of the country, possibly because it was very small. The council minutes show routines carried on uninterrupted throughout 1651, and the council were concerned with the business of weights and measures, the regulation of goods, and the controlling of prices of goods to be sold, which were proclaimed, as usual, at the time of the council election in October. The first mention of the army of occupation was not until 8 December 1651, when the council thought it fit to do something to prevent local quartering, and sent two men to Edinburgh to see the army authorities accordingly.<sup>55</sup> The normal routine of council business, does not seem to reappear in

other burghs, which were more severely affected by the occupying force, until later in 1652, by which time the country was much more settled.

As will be shown in the next chapter, with the coming of the Tender of Incorporation and subsequent municipal elections, the personnel of the burgh councils of the 1650s did not change radically. This generalisation excludes the councils of Glasgow and Edinburgh, who found their experience under the Cromwellian union more disruptive. The period up to the arrival of the English commissioners in January 1652 acted as quite a good indicator of how things would be for the burghs under the new regime. Those that were willing to co-operate with the enemy in the period prior to the constitutional settlement will be shown to have been allowed to continue to co-operate with the English authorities after the political settlement was announced.

It is clear, therefore, that the Scottish burghs were allowed a certain amount of freedom by the English military authorities, who were keen to show that they were fair and reasonable, in order that a political settlement would be more readily accepted by the burghs. By following this policy the English maintained, in the burghs, a base of the population who had retained their local government fairly intact, and who were keen to work with the authorities to protect their economic, financial and traditional interests. It is possible that it was easier to influence the burghs in this way compared with the shires, which were run by groups of men, all of whom had some power individually, and who had differing interests, whose opinions it would not be so easy to sway. The basis of burgh councils' power was collective; it was the welfare of the burgh and not particularly individual consciences that was to be the prime concern. There may well have been a personal aspect to burgh co-



operation as well, as the power and wealth of the burgh élite was intrinsically linked up with the economic state of the town; action that would safeguard their own interests would also tend to work for the benefit of the burgh as well. It was also the case that the burghs had a strong network in the country, embodied in the Convention of Royal Burghs, and through it they were able to discuss and formulate collective policy. This collective attitude also helped make compliance with the enemy more acceptable, as it was easier to justify than an individual one. Thus individual burghs may well have been encouraged to co-operate if other towns were prepared to do so as well.

The English, with their moderate actions and their recognition of the integrity of urban government in 1651, seemed to be offering councils a chance to revive their burghs in their traditional mould. Along with peace and stability came the hope of economic restoration and even progress. Military authority was hardly an ideal choice for the Scottish people but it provided enough of a framework in which to set themselves. It is perhaps this awareness that the military government was not adequate for Scotland, and the universal wish for a political settlement, that resulted in many of the burghs sending representatives to Dalkeith, after the commissioners from parliament arrived there in January 1652, to petition them for redress of their grievances. The burghs were no doubt anxious that a settlement could be found and the future of the country secured. They could only hope that the policy of conciliation that the army had carried out in 1651 would be continued in any political settlement that might be implemented. The stage was set at the beginning of 1652 for a constitutional settlement.

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- <sup>1</sup> 'Mercurius Politicus Jan 1-18', 1651, C. S. Terry (ed.), *The Cromwellian Union* (SHS, 1902), 2.
  - <sup>2</sup> Dow, *Cromwellian Scotland*, 23.
  - <sup>3</sup> D. Stevenson, 'Cromwell, Scotland and Ireland' in J. Morrill (ed.), *Oliver Cromwell and the English Revolution* (London, 1990), 159
  - <sup>4</sup> NAS, B48/9/2, Linlithgow Town Council Minutes, 1640-1659, fo. 411.
  - <sup>5</sup> E. P. D. Torrie, *Medieval Dundee* (Abertay Hist. Soc., 1990), 105.
  - <sup>6</sup> W. Cramond. & S. Ree (eds.), *Records of Elgin 1234-1800*, i, (New Spalding Club, 1913), 290.
  - <sup>7</sup> G. Davis (ed.), 'Dundee Court Martial Records 1651', *Miscellany of the Scottish History Society*, iii (Edinburgh, 1919), 12.
  - <sup>8</sup> *ibid.*, 42.
  - <sup>9</sup> *Charters, Documents and Extracts of the Burgh of Paisley, 1163-1665*, ed. W. Metcalfe (Paisley, 1902), p. xcix.
  - <sup>10</sup> *ibid.*, p. xcix.
  - <sup>11</sup> NAS, B9/12/9, Burntisland Council Minutes, 1646-1653, fo. 294.
  - <sup>12</sup> NAS, B9/12/9, Burntisland Council Minutes, 1646-1653, fo. 296.
  - <sup>13</sup> L. Smith, 'Cromwell and Scotland', 60.
  - <sup>14</sup> Dow, *Cromwellian Scotland*, 24.
  - <sup>15</sup> NAS, B48/9/2, Linlithgow Town Council Minutes, 1640-1659, fo. 381.
  - <sup>16</sup> NAS, B48/9/2, Linlithgow Town Council Minutes, 1640-1659, fo. 382.
  - <sup>17</sup> NAS, B48/9/2, Linlithgow Town Council Minutes, 1640-1659, fo. 396.
  - <sup>18</sup> NAS, B48/9/2, Linlithgow Town Council Minutes, 1640-1659, fo. 396.
  - <sup>19</sup> *Extracts from the Council Register of Aberdeen, 1643-1747*, ed. J. Stuart (SBRS, 1872), 123.
  - <sup>20</sup> *ibid.*, 123.
  - <sup>21</sup> *ibid.*, 124.

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- <sup>22</sup> *ibid.*, 124.
- <sup>23</sup> *Extracts from the Burgh Records of Glasgow, 1630-1662*, ed. J. D. Marwick (SBRs, 1881), 212.
- <sup>24</sup> *ibid.*, 213.
- <sup>25</sup> *ibid.*, 213.
- <sup>26</sup> *ibid.*, 213.
- <sup>27</sup> B60/6/1, Pittenweem Council Minutes, 1629-1727.
- <sup>28</sup> B60/6/1, Pittenweem Council Minutes, 1629-1727.
- <sup>29</sup> B16/1/1/2, Dumbarton Council Minute Book, 1650-1655.
- <sup>30</sup> *Aberdeen Council Registers*, 125.
- <sup>31</sup> NAS, B48/9/2, Linlithgow Town Council Minutes, 1640-1659, fo. 411.
- <sup>32</sup> NAS, B48/9/2, Linlithgow Town Council Minutes, 1640-1659, fo. 410.
- <sup>33</sup> NAS, B48/9/2, Linlithgow Town Council Minutes, 1640-1659, fo. 411.
- <sup>34</sup> NAS, B48/9/2, Linlithgow Town Council Minutes, 1640-1659, fo. 411.
- <sup>35</sup> NAS, B48/9/2, Linlithgow Town Council Minutes, 1640-1659, fo. 411.
- <sup>36</sup> NAS, B48/9/2, Linlithgow Town Council Minutes, 1640-1659, fo. 411.
- <sup>37</sup> NAS, B58/13/1, Peebles Council Minutes, 1604-1652, fo. 184.
- <sup>38</sup> *Aberdeen Council Registers*, 217.
- <sup>39</sup> NAS, B58/13/1, Peebles Council Minutes, 1604-1652, fo. 184.
- <sup>40</sup> B60/6/1, Pittenweem Council Minutes, 1629-1727.
- <sup>41</sup> Smith, 'Cromwell and Scotland', 55.
- <sup>42</sup> B59/17/1, Index to Registers of Acts of Town Council of Perth, 1500-1699.
- <sup>43</sup> NAS, B9/12/9, Burntisland Council Minutes, 1646-1653, fo. 285.
- <sup>44</sup> NAS, B9/12/9, Burntisland Council Minutes, 1646-1653, fo. 296.
- <sup>45</sup> NAS, B48/9/2, Linlithgow Town Council Minutes, 1640-1659, fo. 393.
- <sup>46</sup> NAS, B48/9/2, Linlithgow Town Council Minutes, 1640-1659, fo. 379.



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- <sup>47</sup> NAS, B48/9/2, Linlithgow Town Council Minutes, 1640-1659, fo. 393.
- <sup>48</sup> NAS, B48/9/2, Linlithgow Town Council Minutes, 1640-1659, fo. 381.
- <sup>49</sup> NAS, B48/9/2, Linlithgow Town Council Minutes, 1640-1659, fo. 381.
- <sup>50</sup> NAS, B48/9/2, Linlithgow Town Council Minutes, 1640-1659, fo. 382.
- <sup>51</sup> NAS, B48/9/2, Linlithgow Town Council Minutes, 1640-1659, fo. 393.
- <sup>52</sup> *Extracts from the Records of the Burgh of Edinburgh, 1642-1655*, ed. M. Wood (Edinburgh, 1938), 310.
- <sup>53</sup> NAS, B48/9/2, Linlithgow Town Council Minutes, 1640-1659, fo. 708.
- <sup>54</sup> NAS, B58/13/1, Peebles Council Minutes, 1604-1652, fo. 184.
- <sup>55</sup> NAS, B58/13/1, Peebles Council Minutes, 1604-1652, fo. 182.

## The Political Settlement of 1652

The arrival of the English commissioners at Dalkeith on 15 January 1652 marked the beginning of the process of imposing a political settlement on Scotland by the English Parliament. Although Scotland's fate had, in reality, been decided by Parliament by the end of October 1651 it was kept secret from the Scottish until 12 February 1652, when it was publicly declared at the mercat cross in Edinburgh. Prior to this, the arrival of the commissioners in January 1652 was the first overt indication to the Scottish public that a political settlement was imminent.

The commissioners had, on 24 January of that year, already sent out the orders to the constituencies, consisting of the shires and burghs, to send deputies (two from each shire and one from each burgh) to Dalkeith, with a full commission to treat with the English on the settlement of the country. The first were ordered to arrive on 9 February and the rest on the 12th, 16th, 23rd or 26th of the same month, depending on the distance they had to travel to Dalkeith.<sup>1</sup>

The intention of the English parliament to offer the Scots a chance to vote on the incorporation of Scotland into the Commonwealth begins to explain the moderate attitude of the military forces in Scotland towards the civilian population in the run up to the settlement in 1652. This was particularly true of the burghs; as has been indicated in the previous chapter, the experience of the burgh authorities under English military rule was one where they were, to all intents and purposes, allowed to retain the independent government of their burghs. Such a *laissez faire* attitude of the English forces appeared to bode well for the future of the sitting councils under an English political settlement, especially one where, nominally, the burghs were

given the chance to decide for themselves whether or not to accept the Tender of Incorporation.

The English Parliament, however, never intended the Scottish deputies to have any real say over the question of the union, and they took certain measures to ensure that the result of their consultations with the deputies from each shire and burgh was, ultimately, a foregone conclusion. The deputies who arrived at Dalkeith to treat with the English had been instructed to have a full commission to conclude negotiations and if they held any hopes of being able to help decide the future of Scotland they were soon to be disappointed. The deputies, solely, and without further consultation with their constituencies, were given two days to decide whether or not they wished to accept or reject the Tender of Incorporation.<sup>2</sup> The propositions they were given consisted of three clauses. Firstly, whether they agreed to accept the Tender that Scotland 'bee incorporated and made one Commonwealth with England'. Secondly, that in the meantime they would agree to live peaceably under, and give obedience to the English Parliament. Thirdly, they were asked to offer suggestions on how to facilitate a speedy and effective settlement for the people of Scotland.<sup>3</sup>

It is generally taken as fact by historians that the English left the burghs with little choice in their acceptance of the Tender of Incorporation. The presence of the army throughout Scotland and the measures put in place by the Commissioners to limit discussion on the matter of the offer of the settlement bears this out. The deputies were, it is true, given no chance to implement their own ideas of what sort of settlement should be enacted, but they were hardly in a position to decide their own future while under the occupation of the English military force. As it was, the



deputies were expected to agree to the proposals, although details of the full settlement had not been revealed to them at this stage by the English commissioners.

The burghs, however, were not as isolated as has been previously supposed. There is no question that the settlement was ultimately imposed from above, but the English parliament needed the nominal assent of the majority of the constituencies in Scotland if a union was to be credible. The easiest way to secure assents for this was for the English authorities to try and prevent a full debate on the details of the Tender by the Scottish people, and the intention of the government may have been to try to isolate the deputies from their constituencies. This may have been the case for the shires but in the case of the burghs it seems that attempts to do so may have failed in some cases.

The burghs felt that they were not to be restricted by the time scale limits imposed on them by the English Commissioners, and they appeared to be unhappy at being rushed into any decision. None of the burghs attended the meeting at Dalkeith when they were scheduled to, according to the English timetable, and although the English had wanted the negotiations to be over by the end of February, the last burgh did not accept the Tender until the 30 April 1652 (see Appendix A). The burghs had an advantage over the shires in these negotiations, in so far as their burgh organisation remained virtually intact, in most cases, from the previous years of war and disruption, and this bureaucratic continuation helped their negotiations. Even Perth, which had no burgh minutes from 1643 to 1652, had continued to elect councillors throughout this period, indicating that at least there was at least some level of government present there. The relationship that many burghs had with the

English military authorities in the period leading up to the settlement also helped to make the negotiations easier to handle.

As well as each individual burgh's organisation there were also the links amongst the burghs themselves. The burghs had, for over a century, a collective outlook embodied in the Convention of Royal Burghs, and local relationships between the network of burghs were also important. The burghs of Fife are a fine example of collective decision-making. Pittenweem received notice for the election of a deputy to go to Dalkeith on 9 February 1652. The council did not automatically elect a deputy as the English authorities expected them to do, but instead, 'elected the clerk to go to Couper tomorrow for consulting with the rest of the burrows that ar to meitt qr', in order to discuss what instructions and power should be given to their deputies going to Dalkeith.<sup>4</sup> A report was sent back from Cupar and, although no details are recorded in the council minutes concerning the order, they agreed to elect a deputy; Simon Anderson, was chosen to go to Dalkeith.<sup>5</sup> Pittenweem's deputy did not assent to the Tender until 1 March 1652 and the rest of the council obviously felt under no compulsion to make him attend earlier, despite the strict timetable laid down by the English commissioners.<sup>6</sup>

When Burntisland received its order to elect a deputy a John Brown was sent to go to a meeting of Dysart, Kirkcaldy and Kinghorn to 'try what they mynd to doe in order yrto'.<sup>7</sup> Burntisland assented on 28 February, later than it was expected to, and Kirkcaldy did not assent until 28 March 1652.<sup>8</sup> If the English authorities had meant to try and isolate the burghs from discussion, the tactic failed, at least in Fife. The late arrival of these and other deputies in Dalkeith also meant that it would have been



nearly certain that some details of the proposed settlement would have reached the burghs before they dispatched their deputies to Dalkeith.

Even for the burghs that were situated further away from Edinburgh, it was likely that they, too, knew of some of the details. Elgin received the order to elect a deputy on 30 January, and John Hay the town clerk was duly elected as Elgin's deputy.<sup>9</sup> He did not consent, however, to the Tender until 2 March 1652 and the chances are that news of the settlement would have filtered through to the burgh.<sup>10</sup> It is doubtful whether any prior knowledge of the proposed settlement would have prevented the level of acceptances that the English received. Most burghs had been willing to co-operate with the English military authorities before February 1652. It would be unlikely that they were in any position to reject their proposals now.

There was little evidence in the burghs of problems with the elections of the deputies to go to Dalkeith. In Dumbarton, however, there appears to have been some confusion. The first man elected, John Cuninghame, asked to be excused as 'he could nowayis get the s[ai]d commissone undertaken without his great los and prejudice'.<sup>11</sup> This could well have been true; however, it could also have been a sign that this man did not wish to undertake the task for reasons other than the economic one he argued. His reluctance anticipated the stance taken by a large number of the council in Dumbarton who refused to accept the orders to elect councillors, under the authority of the English parliament, later in 1652 (see pp 72-73). As it was, the new deputy who was elected by the council of Dumbarton returned to the burgh on 23 February to get a fresh commission, as the English authorities in Dalkeith had rejected the first as being 'unsafficient'.<sup>12</sup> He was re-elected by the council and sent back to Dalkeith with a full commission.<sup>13</sup> It is highly probable that when he came back to Dumbarton



the first time he brought with him some details of the propositions of the English parliament, leaving the council in no doubt what they were sending him to sign in their name.

What does seem apparent is that when it came to the Tender the English authorities treated Edinburgh and Glasgow differently from the smaller burghs, mainly, it can be presumed, because they held them to be an example to the other burghs. The acceptance by Edinburgh of the Tender of Incorporation was fundamental to the settlement. From the stand point of the English regime it would have been unthinkable to allow the capital city to refuse the Tender, not only for the validity of the settlement, but also as an example for the rest of the burghs to follow. Glasgow, too, was important as the second city and the chief burgh in the west; it would be seen as an example to other burghs there. Edinburgh's council was fully aware of its position. The city had been heavily occupied by English forces and an impromptu gathering of local worthies had acted as a surrogate council when the city had been invaded in 1651 and the sitting councillors had disappeared.<sup>14</sup> These men had acted to co-operate with the English army in order to make relations between the forces and the city as amicable as possible, and to ensure that the welfare of the city and its inhabitants were looked after in the face of English invasion.

When it came to the election of their deputies to go to Dalkeith, there was some confusion amongst the Edinburgh council as how to proceed. This was due to the desire of the council to carry out the election precisely and correctly. They were unsure as to whether the council was to vote for the deputy or whether all the burgesses should be consulted in the traditional form of a head court. They decided instead 'to eschew such a tedious worke and confusioun of electioun the greatest part

of the neighbours inclining rather to have it done in a more ordorlie way'.<sup>15</sup> So those that were present at the council meeting to discuss the matter were to vote either for the decision to be taken by the impromptu council or by a head court of all the neighbours. All, apart from eleven, voted for the council.<sup>16</sup> Two men, John Denhame and James Fairbairne, were elected. Denhame, when sent for by the council on 11 February, 'refused absolutlie to accept'.<sup>17</sup> On the next day, the council received a letter from Denhame's wife saying that her husband had 'gone out of Toun'.<sup>18</sup> Wood notes that Denhame was of the Protester party and it is possible that he refused to treat with the English for religious reasons.<sup>19</sup> More importantly, it is apparent from this incident that the council was keen to distance itself from this refusal and to prove to the English authorities that they had fulfilled their orders as directed. So it sent 'Robert Adamsone clerk nottar publict to bier witnes of their diligence in obedience to the ordors and warrand afoirsaid and of the said Johne Denhame his refuisall'.<sup>20</sup> The Edinburgh council took great pains to keep the English authorities abreast of their attempts to implement their orders. James Fairbairne was sent by the council to Dalkeith to get orders on appointing new commissioners on 16 February 'and to desyre their Honors not to impute it to any neglect of the Toun quho ar reddie and willing to give all satisfacioun in quhat they ar able'.<sup>21</sup>

In no other burgh does it appear that the council was so keen to satisfy the English Commissioners to the exact letter of their orders. Indeed, as will be noted later, most burghs failed to carry out their orders exactly. Edinburgh was more fully occupied by troops and the council had been functioning alongside army command in the city longer than other burghs. This had resulted in a relationship of close co-operation with the English authorities after the invasion. It was also possible that the

Edinburgh councillors' positions were in more jeopardy than those in other burghs, as the English were more interested in what happened in the capital than elsewhere. The experience of Edinburgh was presumably taken by the English to be a model for the rest of the country and an example to be held up not only to other Scots but also to the rest of the Commonwealth. It was necessary, therefore, that the English were seen to have full control in the city. The city council must have been aware of its precarious position; hence its determination to carry out orders in a way that would be fully approved of by the commissioners in Dalkeith.

With regard to the negotiations between the burghs and the English commissioners over the Tender of Incorporation, Edinburgh serves as an example that shows the dichotomy between the practical policy towards Edinburgh and the other burghs carried out by the English. In Edinburgh, things had to be more closely controlled by the English authorities, but in the smaller burghs, as will be demonstrated later, a more *laissez faire* attitude prevailed and, therefore, the councils outwith the major cities tended to have a more relaxed attitude to the English and their orders.

Overall, the burghs accepted the Tender of Incorporation quietly. Out of the 58 burghs, 44 accepted. Only Lanark and Glasgow sent in outright refusals of the Tender. Edinburgh was not the only burgh to differ from the bulk of the towns. Glasgow, the other major burgh, also illustrated this inconsistency in English policy. The attitude of the English authorities towards Glasgow was exacerbated by the incumbency of a Protester-based council. The Glasgow council did not wish to be forced by the English authorities into signing anything that it did not agree with, and it elected two deputies to go to Dalkeith with the proviso that 'they to conclude



nothing quhill the towne got tymeous advertisement quhat was requyred', something that the English commissioners had wished to prevent.<sup>22</sup> The two returned to Glasgow on 21 February and produced the two declarations, and 'all present declared that they wer not satisfeit thairwith'; accordingly, the council drew up a refusal from the burgh, which it sent to Dalkeith.<sup>23</sup> This refusal by the Glasgow council was not to be tolerated by the English commissioners. Indeed, they felt that Glasgow's refusal would influence the rest of the towns in the west of the country, a view also shared by some Scots there. Robert Baillie, the Principal of the University of Glasgow, reported on 24 February 1652 that 'Glasgow and the West purposes to refuse, for which we are like deeply to suffer'.<sup>24</sup>

Baillie was right; the English, unable to tolerate this situation, intervened. Nicoll reported in his diary, that 'ane considerabill number of Engliche sodgers wer sent west from Edinburgh'.<sup>25</sup> This was a clear sign of aggression and the commissioners from parliament sent a warrant to 'remove the auld Provost and Baillies of Glasgow... and place utheris in thair roumes'.<sup>26</sup> These new councillors were men known to be sympathetic to the English, and two deputies, James Pollock and Walter Neilson, were elected and accepted the Tender at Dalkeith for Glasgow on 13 March 1652.<sup>27</sup>

It is likely that this show of force was enough to persuade other burgh councils that were considering refusal that they might be replaced if they refused to accept the Tender. Indeed, the commissioner from Stirling was so disturbed at his task when the details of the settlement were revealed to him that he wrote back to the burgh:

To refuis itt, your commissione is so large in my awin name I dair not  
refuis excep ye all command me, and to do itt is my grif...giff I had not

respek to the towin, and fering the evill suld fallin them, I would never exceptitt of the commissione, nor agrie to this peper.<sup>28</sup>

There is no suggestion elsewhere that violence was being threatened directly to any of the burghs, but possibly the case of Glasgow was enough to act as a deterrent to others. In any event, the Glasgow incident signified not so much a threat to the security of the burgh, as to burgh officeholders.

Many other burghs had accepted the Tender before Glasgow was threatened with force and, therefore, the threat of force could only act as a deterrent to those burghs that were already considering refusing the Tender. Despite the English hopes that the events in Glasgow would encourage other western burghs to accept the Tender, this does not appear to have been the case; of the nine burghs which did not send a representative to Dalkeith without offering any excuse (as Sanquhar, Lochmaben, Annan, New Galloway and Dingwall did on the grounds of poverty)<sup>29</sup> Dumfries, Irvine, Ayr, Whithorn, Kirkcudbright and Renfrew were situated towards the south and west. The situation in Glasgow may have stopped them sending an outright refusal to Dalkeith, but it did not make them attend or offer a formal acceptance.

The role of religion in the burghs will be explored later but it is sufficient to say that there was very little evidence that the religious leanings of the councils had any real effect on their dealings with the English as a whole. However, it may be possible that those burghs in the south and west that did not accept the Tender did so on religious grounds. Other burghs in other parts of the country may have also objected to the settlement on this basis, but with a heavy army presence in the central belt and the north they may have felt more pressure to comply. Individuals were

entitled to, and did, follow their consciences; the retention of Presbyterianism, as the sole religion of the country, was one of the main subjects in the 'Desires' presented by the burghs to the commissioners. It did not prevent, however, the co-operation between the English and the majority of the burgh councillors.

One of the significant features of the Glasgow incident is the fact that there existed a new set of burgesses in Glasgow who were ready to answer the call of the English authorities and to co-operate with them fully. The divisions in Glasgow ran along religious lines. Indeed, the sitting council in Glasgow, which refused the Tender on 24 February 1652, was aware of the divisions in its burgh society, and accordingly had tried to influence the elections of the deputies for Dalkeith by reading over the stent roll and 'swa many of the number thairin layd asyde as was thocht to be troublers of the piece of the towne'.<sup>30</sup> This disenfranchised number were, presumably, the men that came forward to serve the burgh when the English commissioners sent orders to remove the sitting councillors and magistrates in March of that year.

But was the threat made by the army to Glasgow a sign to other burghs and was it indicative of actions against other burghs? It is difficult to tell, as only Lanark absolutely refused the Tender. They did so on 3 March 1652, when the events surrounding Glasgow's refusal must have been widely known.<sup>31</sup> However, as far as can be ascertained, the English commissioners did not see fit to send forces there, or even to replace the sitting council. Nor were the two shires of Morayshire and Kirkcudbrightshire which rejected the Tender subjected to the same military threat that Glasgow had been.<sup>32</sup> Indeed, it seems that, unlike Glasgow, Lanark did not accept the Tender of Incorporation at any stage. It is most probable that Lanark was



too small and insignificant for the commissioners to expend any time or worry on. The pressure on the English army was very great as it was and it is likely that they could not spare troops to intimidate a small and fairly insignificant burgh into accepting a Tender, the acceptance of which was purely nominal in any event.

The English also felt that it was unnecessary to force any of the burghs that did not attend at Dalkeith to do so. Most were fairly insignificant but Ayr, as one of the major burghs in the west and the site of a large force of English troops, was not made to accept either. What was most significant perhaps was the distance from the central belt that these burghs lay. Of the fourteen burghs who did not go to Dalkeith only one, Lanark, was anywhere near the centre of the English control in Leith and Edinburgh.

### **Loyalty to the English Commonwealth: The case of Linlithgow**

The loyalty of men who were in power in the cities of Edinburgh and Glasgow was of great concern to the English authorities. It was in these cities that the wealth and power of the country lay. In the smaller burghs, even those that were of middling stature, such as Linlithgow, the relationship between the two sides differed from the major cities, both to the English and to the burgh authorities themselves. This was reflected in the degree of co-operation with the Commonwealth shown by the burgh councils. In the first instance, the English authorities wished above all else to see stability in these towns. The case of the Linlithgow council serves to illustrate that the English authorities were content to see nominal support from the ruling group in each burgh, as those burghs then required little policing. They did not wish to get involved with the internal business of replacing burgh personnel with men they felt

more loyal to the regime, particularly in any burgh where there was only a limited number of able men used to running the town, and where the loyalty of the civic officeholders would be of little consequence to the security of the nation as a whole. Linlithgow is also an example of how deceptive the records of the burgh council can be, with often little indication that there were any difficulties.

In Linlithgow in 1652, all seemed quiet during the time of the election of the deputy to go to Dalkeith to see the Commissioners from parliament. A deputy was elected, he went to Dalkeith, accepted the Tender and returned with the order to elect new officers. The newly elected council of Linlithgow accepted the oath of loyalty in April 1652 and began to start ruling the burgh without any obvious problem.<sup>33</sup> However, upon further examination of the records, there is an indication that not everything was as straightforward as it seemed. In Linlithgow there had been a previous call for a new council election in January 1652.<sup>34</sup> This was unusual as the burgh elections were ordained, by burgh laws, to take place at the Michaelmas headcourt each year. The councils in all the burghs were extremely unwilling to act in anything other than accordance to the ancient customs of the burgh even in extraordinary circumstances. The reason for the election called in January was not obvious as the council elected previously in October 1651 was still functioning normally.<sup>35</sup> The authority for the new election came, however, from Colonel Lytcott, the English governor of Linlithgow Palace.<sup>36</sup> This in itself was unusual as nowhere else studied was there any attempt by the local army officials to involve themselves so directly in burgh business. He ordered that there should be in Linlithgow an election of men that there 'can be no exception agains', and made clear that any of the sitting council could stand for election. Lytcott further threatened that if the town

would not elect men under these orders he would be forced to choose men that he thought fit to be magistrates and councillors.<sup>37</sup>

Not surprisingly, this direct intervention in the burgh's business by the English army authorities who, at this, or any stage, had no constitutional right to order elections in the burghs, was found by the incumbent councillors to be 'in so great extremitieis thay think it as most aggreving to our liberteis'.<sup>38</sup> In February 1652, a new council was elected, and it consisted of new men who had not previously been on the council. One Claude Hamilton was elected as provost and chosen to go to Dalkeith to the Tender negotiations. The council records make no mention of any disagreement at this time and the Tender was accepted by Hamilton and agreed to by the rest of the council.<sup>39</sup> It was not until an entry of 7 September 1661 that the true extent of the disagreement in 1652 was revealed.

Lycott had given the council warrant to elect a new council and discharged the old one 'who wer imediatlie befor that tyme elected conform to the ancient custom'.<sup>40</sup> The crux of the matter was that the council elected in October 1651 had been chosen lawfully according to burgh law and, therefore, could not legally be discharged by Lycott, who had no authority to do so under the burgh regulations and 'without any publict ordour'.<sup>41</sup> This interference in rules of the town was unacceptable to the sitting council and therefore they had not stood for the election in February 1652 as they saw the process as illegal. However, there were patently enough burgesses in Linlithgow who were willing to take up this order and form a new council. There were men in the burgh who were ambitious enough to go against custom and were obviously eager to be promoted, which led to their willingness to collaborate with the English authorities.



Why did Lytcott decide to call for a new election in January 1652 in the first place? No other army officer felt the need to do so in other burghs around the country, as far as the evidence suggests. The only clues we have come from the highly partisan report in the council minutes of 1661, where it is noted that Lytcott was given information, by certain men, that not all those on the council were of good affection to the new regime. It is inferred in 1661 that these rumours were started by some of the interim councillors who used it as an excuse to try and wrest power from the ruling group.<sup>42</sup>

The new councillors were most likely burgesses who had remained outside the ruling oligarchic group. The council of Linlithgow had, like most burghs, remained something of a 'closed shop' with the same men and families retaining offices in the council throughout the 1640s. Hamilton, the new provost, had been admitted burgess only in January 1650, and the new English regime provided him and others with the opportunity to try and wrest power from the old oligarchy.<sup>43</sup> In 1661, the entry in the records described them as 'a few number of simple people of the commounalitie' who elected new councillors and magistrates

some out of arrogencie and pride otheris in simplicitie upoun the said warrand from ane usurped power...putting out abler and moir qualified' men than them and 'overturned our liberties contrair to yr burges oithes, without ony respect to the ancient constitution mynding nothing but thaimselfes.<sup>44</sup>

This explanation given by the councillors in 1661 implied that, not only was the election illegal, and therefore the acceptance by the burgesses of office in February 1652 was also illegal but, by accepting the offices these new office holders had done

the burgh a great disservice as they had deprived the burgh of the most able officers who could do the best job. It was a highly biased view, but, perhaps, with some basis in fact, as the old council certainly had more experience of urban government than the new councillors.

It was probably relatively easy for Hamilton and his colleagues (if indeed it was them) to start rumours about the incumbent council in January 1652. The Linlithgow council was well known to Lytcott to have been previously full of virulent anti English feeling and it contained the men who had gone to Culross in 1650 to rule the burgh from there. It was unlikely that sentiments of these men towards the English invasion had changed substantially, and although they had been working with the army from September 1651 onwards, Lytcott could have found rumours of their disaffection to be well within the bounds of possibility; but notably he did not accuse any member of the sitting council of being disloyal and instead ordered a new election allowing all the previous members to stand for re-election. Although Lytcott interfered by ordering the election he did not impose new councillors, nor, if the minutes of 1661 are to be believed, did he start the process off. It appears it was internal jealousies in Linlithgow that prompted the situation in the first instance.

Whatever the reason for the new election in January 1652, the rule of the new magistrates and council was short lived, and it is this aspect of the Linlithgow situation that illustrates the most crucial point. There is little evidence in other burgh records that large numbers of new burgesses replaced previous councillors under English rule. The idea that the English regime provided an opportunity for more ambitious men who were willing to work with the English does not appear to hold

true for the burghs. In fact, the burgh councils show more consistency in personnel than other areas of government. Despite the fact that most of the burgh officials were unlikely to have been pleased at, or to have actively supported, the English invasion or the new settlement, they were willing to work with the incomers and thus provided a stability for the burgh to start rebuilding itself after the disruption of the 1640s and early 1650s. Linlithgow would at first appear to be contrary to this trend but in fact events occurred that only served to prove the point, as the new council lasted only until 27 April 1652, when the new elections sanctioned by the English commissioners were held in Linlithgow.<sup>45</sup>

These new elections were a different matter altogether. They had the legal sanction of the lawful authority, even if this was derived from the English parliament, and therefore the old members of the council, pre January 1652, could put themselves up for re-election with impunity, which they did and they were duly re-elected.<sup>46</sup> The councillors elected in April 1652 were almost identical to those that held office before the election of January 1652. Although Claude Hamilton was a member of the new council, automatically sitting as retiring provost, his position was short-lived. He and another councillor, Robert Cuthbertsone, protested formally at council to a certain Robert Stewart being a councillor, alleging that he was unacceptable 'not being of the integritie and guid affectioun to the peace and weilfair of this yland requyrit by the said comission'.<sup>47</sup> The rest of the council, however, found the allegation unjust, 'having good prooffe and long experience of the abilities and faithfulness of the said Robert Stewart for publict government', and they rejected their complaint and chose him to continue on the council.<sup>48</sup>



On 1 May 1652, in reply, Hamilton refused his office as a councillor.<sup>49</sup> This is hardly surprising as his position was presumably untenable, both having been leader of the derided interim council, and in his attack on another member of the council, who received almost unanimous support from the rest of the members. Hamilton was asked to deliver the charter chest to the council and he did so, thus ending his political life on the Linlithgow council.<sup>50</sup> The return of the old guard was complete by April 1652, and no further disputes over membership of the council were reported in the next decade, and power in Linlithgow returned to the former magistrates and councillors.

The election of the interim council served two purposes for the old leaders of Linlithgow. Firstly, it indicated that if they were not willing to co-operate with the English authorities there were others willing to do so, and therefore, in order to get power back, they had to be willing to work with the English. They accepted the oath of loyalty, although it is obvious from their opposition to the English during the invasion and the anti-English feeling voiced after the Restoration, that they were not supporters of the regime, but they would be deprived of power if they did not accept it. It may have been easier to accept the situation as they did not have to sign the Tender of Incorporation themselves, but they accepted it when it was obvious that other burghs had done the same. It also gave the council after 1660 someone to blame, a 'get out' clause, which few other councils had. The importance of this event lies also in the matter of legality of the burgh authorities' actions. It served to show that it was of the utmost importance that the burgh officials did nothing that would be regarded as contrary to their burgh laws. Therefore, although the settlement was

hardly to their taste, it was lawfully executed and their position, elected under the new regime, could not be questioned.

The Linlithgow situation was also indicative of the continuing relationship between the Scottish burghs and the English authorities that was forged in the period before a settlement was introduced, and which continued after the settlement had been agreed: namely that the English authorities were willing to accept the burgh leadership as long as they co-operated with the regime. They had no wish to, nor do they seem to have wanted to, impose new men in the burghs who may have been, in their opinion, more loyal to the regime. The policy of limited interference in internal burgh matters made for more stable local urban government. There was little point in interfering in internal burgh affairs, thus causing discontent when the resident burgh councils, to the greater extent, were willing to co-operate with them, whatever their motives. This offers an explanation as to why Lytcott did not offer any objection to the re-election of the old Linlithgow councillors in April 1652, despite the rumours that had prompted him to call the election in January 1652.

### **Why did the Burghs accept the Tender of Incorporation?**

In general the burgh records tend to show that the councils accepted the Tender without much, if any, opposition. Aberdeen accepted it unanimously,<sup>51</sup> as did Elgin<sup>52</sup> and Inverness.<sup>53</sup> The latter approved of their deputy Donald Foullar's actions 'because theis paperis ar relative to the vther paperis sent to wther brughes'.<sup>54</sup> In many cases the Tender is not even mentioned in the council minutes. In Burntisland, when its representative David Seaton reported back from Dalkeith on 15 March 1652, all the neighbours approved of his actions in accepting the Tender 'except thrie

or foure yt declares they have yr scruplies and desyres a tyme to be advysised'.<sup>55</sup> It appears that it was acceptable for some individuals to be unsure, probably for religious reasons, but it was individual consciences that rejected the settlement and not the collective burgh conscience that had prevailed before in times of political change. This is vastly different from the 1640s when the burghs represented a collective moral conscience when they had subscribed to the Covenanting movement.

The Tender must have offered the burghs something that they found appealing. Once the Tender had been accepted, and the individual members of the elites in each burgh could find it in their consciences to accept the 'Authority of the Commonwealth of England' and live peaceably under its rule, then the burgh would be taken into what was termed as 'special protection'.<sup>56</sup> The terms of this protection were that soldiers, officers or other persons travelling through or in a shire or burgh could not 'injure or offer violence unto an inhabitant', or 'take anything from them upon any pretence without satisfaction given to the owners, and without their consent'.<sup>57</sup> This was extremely important to the burghs as it meant the army could no longer confiscate goods without the consent of the owner and, more importantly, without agreeing compensation. It also protected the inhabitants of the burgh from the excesses of the army, even though these were limited by the army's strict discipline, and placed the assenting burghs in an official political position. Any councillor who refused to accept the Tender could, presumably, see himself as putting the inhabitants of his town at risk or at least doing them a great disservice. Not only were they promised this protection but they were also promised 'due encouragement from those in Authority'.<sup>58</sup> This was very vague but could be



interpreted as a promise that there would be economic help for the burghs from the government. There were no concrete proposals of help of any specific kind, especially financial or economic, but perhaps it could have been interpreted that the English were hinting at this here.

The most important promise was that contained in the 'Charter to assenting burghs' which authorised municipal elections to be held 'according to their former Rules and Customes' and permitted them to carry on with their business as normal, deleting only the name of the King in their normal business, and replacing it with 'the Keepers of the Libertye of England by authority of Parlyam[en]t'. All civic officeholders were expected to take the oath of government before they could take up their burghal office, and this was to be administered by men appointed by the English Commissioners.<sup>59</sup>

These terms go a long way to explaining why the majority of the burghs accepted the Tender of Incorporation, despite the fact they were assenting to a union with England of which the terms had not yet been revealed to them. The presence of the English army must have played a large role in persuading councils to accept the Tender, but perhaps more importantly was the experience they had had under the army before the settlement was offered, as has been described in the previous chapter. In particular, the offer of elections under their traditional rules would have suggested to the burgh leaders that the previous policy of non-interference in urban government was to be officially sanctioned by the political settlement.

## The Burgh Elections of Spring 1652

After the Tender had been signed by the deputies, and the council officials had accepted the oath of loyalty, it seemed as if burgh government was to continue as before. For the English authorities, the old leaders were more likely to provide the stability that the English needed, at a local urban level, than a new set of men unschooled in the ways of the council business. Radical change was not called for here, but instead a return to normality was an attempt to limit disorder and expense.

In most burghs the councils seem to have accepted the Tender of Incorporation without any difficulty, where it is mentioned at all in the minutes. The Peebles council minutes do not record the burgh's acceptance of the Tender, and perhaps the council felt that, although acceptance was a necessary evil, it was preferable if the town's compliance with the English was left unrecorded.<sup>60</sup> In Pittenweem, there were some contrary feelings. Simon Anderson, who had been sent by Pittenweem council to Dalkeith and had subscribed to the Tender of Incorporation, returned in March to make his report. The council was less than pleased with him 'And finding that he had gone beyond ye instructiones In complying wt the englisches and subscrivient them', furthermore 'they wer dissatisfied wt his proceidings and disownes the same'.<sup>61</sup> Interestingly, Pittenweem had conferred with other burghs in Fife and therefore their instructions to Anderson were presumably the same as given to the burgh representatives of Cupar and St. Andrews.<sup>62</sup> It is interesting therefore that Anderson signed the Tender despite the instructions given to him by his burgh, although what they were is not known. It was hardly likely that the settlement was popular amongst burghs but it seems generally to have been accepted quietly and the usual business of the burgh carried on. The Tender may have not been freely debated

or accepted enthusiastically by the burghs, but it provided a settlement that established a political framework in which to set themselves.

There is no mention in the Pittenweem records of the council taking any oath of loyalty or subscribing to the Tender. However, they remained in power and carried on business as normal. They may well have done so and but not recorded it in the minutes. However, it seems strange that the first mention of new elections is at the usual time at Michaelmas of that year. The same councillors were elected in 1652 as the year before, so they must have carried on despite their objections to Anderson signing the Tender.<sup>63</sup> If it was the case that Pittenweem did not arrange new elections after the Tender of Incorporation was signed, and carried on with the same council members as before, it would provide a more extreme example of the English authorities being prepared to overlook the lack of loyalty of a council. This would be stretching still further their policy of non-interference in local government, as well as illustrating how the policy of the English towards the burghs was not consistent, differing in relation to the size and importance of the burgh concerned. It seems hard to believe that it would be the case. Pittenweem was probably too small and insignificant to bother the English much. The English had a large military force in Fife and there was little chance that a small burgh could pose a security threat. The only real importance that Pittenweem held for the English was the cess that they extracted from it. These were the same reasons the English authorities allowed men, who were less than enthusiastic about the Union, to retain power in other burghs. To leave the councils, and to allow them to continue their business uninterrupted, meant that the cess could be collected more efficiently and quickly through the burgh authorities than by the English representatives. If the English authorities were to



insist on the councillors expressing their loyalty in ways other than taking the oath of loyalty to parliament, they may have found themselves with no burgesses willing to take office, and the collection of tax would have become extremely difficult. The burgh council also provided justice at a local level and this too needed to be run effectively without added expense to the English Parliament.

However, there did appear to be a sort of sliding scale of English expectations which was related to burgh size. The smallest burghs in more remote and less influential areas did not even have to attend the Tender negotiations, by pleading poverty, such as Sanquhar, Annan, and Lochmaben. Burghs such as Linlithgow and Burntisland had to accept and adhere to their proposals. The large burghs of Edinburgh and Glasgow had to be fully co-operative and have councils which were wholly loyal to the English parliament.

The English were not the only ones who were preoccupied with their financial position. By the 1650s it was the material good of the burgh that appeared to be the prime concern for most of the burgh councils. Years of war and the invasion from England had left many burghs with little other choice than to accept the English settlement. Moral objections on religious grounds, could and would serve only to harm the burgh and the personal power of the civic officeholders. This was a luxury that few could afford.

This material concern for each burgh's welfare appeared in all the burgh council minutes. Elgin's deputy was sent to Dalkeith to the tender negotiations with further instructions to try to gain some reduction in its cess, and he returned with the order of the protection of the burgh from parliament as well as 'ane warrand from Major G.[eneral] Deans anent the cess & quarterings'.<sup>64</sup> It was likely that the burgh

representatives at Dalkeith, having little choice over the acceptance of the settlement, were more afraid of harming their financial position if they rejected the settlement than alarmed for the safety of their burgh.

Pittenweem's council, like Elgin's, main concern was the taxes imposed on the burgh. Not only had Simon Anderson, its deputy, failed to follow its orders and had subscribed to the Tender but, more importantly, in the eyes of the council, he had 'done nothing to eass of this brut of ye havie burdings imposit be theas englisches'.<sup>65</sup> The council immediately nominated another representative to go to Major General Deane to try for an exemption from its financial burdens.<sup>66</sup>

### **Local Elections: the case of Dumbarton**

The promised elections for the burgh councils seem to have been carried out in the burghs without any problems. Only in Dumbarton was there any hint of dissent. Jon Smollat, the deputy for Dumbarton, had subscribed to the Tender on 28 February 1652 and the burgh council had received confirmation and details of this on 3 March 1652.<sup>67</sup> On 9 March the council sent for the charter chest from Carrick Castle, where it had been sent for safe-keeping in more turbulent times, an indication that by then the council felt that stability had returned, and a normal burgh life could be resumed under the English settlement.<sup>68</sup> There is no mention of the council subscribing to the Tender in the burgh minutes, but we must presume they did as Smollat produced the commission for ordering new elections, and 'all unanimouslie' agreed to carry on with the elections except for two, Jon Sempill and Adam Mitchell.<sup>69</sup> This discontent must have spread throughout the ranks of the council because by 29 March 1652 all the council and neighbours, apart from the provost, bailies and six others, including

Smollat, had refused to agree to the election of the council.<sup>70</sup> There were no reasons given for the disagreement but presumably it was the illegality of the order for election, coming from the English parliament, rather than objections to the Tender itself that caused the discontent.

On the last day of March the council met again. It consisted of those who had agreed to the elections on 29 March and other men chosen in place of those who had absented themselves from the proceedings. In the council minutes it is noted that it

haveing takin to consider[at]i[o]ne the urgent necessitie of meiting this day to elect magistrates & counsell' because, although this was not the date laid down in the commission from Dalkeith for the elections, they did so 'ffor eschewing the danger and Inconvenience that this brut may Incur and is threatened against the said Incaice of any longer delay.'<sup>71</sup>

This threat of violence was probably perceived because of the situation in which Glasgow had found itself over the Tender negotiations. Dumbarton is likely to have felt the potential force of that threat being in such close proximity to Glasgow, and particularly with the garrison of English soldiers stationed in Dumbarton Castle. The council sat on the last day of March and 'confirm to the ordor and commissiounes direct to them be the commissioners of the parlia[men]t of the comounwelth of Ingland for yt effect', the new council was duly elected and only five out of the thirteen new members remained from the old council, including William Campbell, the old provost, who retained his office.<sup>72</sup> There was obviously continuing controversy as the council minutes stopped abruptly after the entry dated the last day of March, and they resume only on 14 May 1652.<sup>73</sup>



A letter from the governor of Dumbarton Castle to Major General Dean and the Commissioners at Dalkeith sheds a little more light on the situation. Dated 6 April 1652, it reported that in going to take the oath of the council officers at Dumbarton, as he was requested to do by the authorities in Dalkeith, he found that the councillors 'not beinge satisfied in their Consciences, as they prtended, desired a Considerac[ati]on vppon it till this day', which he agreed to. Not only that but he reported that he had 'not bin wantinge in a persuadinge them to the best of my Judgement' and, after failing to do so, he wrote to the authorities for further orders.<sup>74</sup>

The Dumbarton officeholders themselves sent their reasons for refusal to the Commissioners at Dalkeith. It was not so much a refusal per se, but rather a desire that the 'perticuler Acceptance of the oath may be continued untill wee have greater freedome and light in conscience for performing the same'. It is clear that they did not reject the authority of the English Parliament outright, and indeed, they promised in the letter to give obedience to it and the authority it exercised in Scotland, but conditional only 'in soe farre as Gods word is the rule to lead us therein'.<sup>75</sup>

It was strange that they refused to accept the oath of loyalty when they had already consented to the elections under the authority of the English Parliament. One reason may have been that these men could not bring themselves, for religious reasons, individually to accept the oath, which indicated that the religious feeling in the burgh must have been strong, bearing in mind that these were the men who were willing to accept the English orders where other previous council members had refused.

Interestingly, just as the councillors were not prepared to refuse the oath outright, so the English authorities, both in Dumbarton and in Dalkeith, were not

willing to reject these councillors outright either. In the first instance, the governor of Dumbarton Castle gave them leeway with this and did not coerce them, giving them time to reconsider until 6 April 1652. Unlike the case of Glasgow, the English were keen to keep the council in service and wished to persuade them rather than force them. These Dumbarton men were obedient, kept good order and, although they were not fiercely pro-Commonwealth, they had accepted the Tender and the order for elections. It is likely that there would have been a lack of men like this to replace them as so many of the former council had resigned before this. Therefore, it was in the English interests to persuade them to comply.

The English commissioners in Dalkeith replied to the governor's letter by reiterating that no man could take office until he had sworn the oath of loyalty. Captain Thompson, the governor, was advised to take especial care that no one should disobey this order.<sup>76</sup> What happened between then and 14 May 1652 is impossible to ascertain, but the burgh officials must eventually have taken the oath as burgh business resumed and they were settled in office. The reply from the Commissioners was noteworthy as it did not suggest a course of action to instate new men or to force the councillors to accept the oath. All it did was say that until the oath was taken no person could take office. So it was likely that the delay was due to the continued deliberations of the men in Dumbarton. This attitude towards the council of Dumbarton proves to be contrary to the report in Nicoll's *Diary* which said 'in all tounes and burghes quhair the Englisches resaved not satisfactioun, the Magistrates and Counsallouris wer deposed and utheris put in thair roumes'.<sup>77</sup>

In reality, if civic authorities were willing to accept the Tender and subsequently to accept the order for electing a new council, it would be unlikely that

they would refuse the oath of loyalty. There are few examples of individuals refusing the oath in other burghs but in Edinburgh, Nicoll reported that 'sum of the Counsell refuis to give thair oath and to subscryve, wer removed and deposed'.<sup>78</sup> In Edinburgh the election of burgh officials was typically more contentious than in the smaller burghs as the sheer size and diversity of the city meant there were sure to be many different shades of opinion. As with the election of the deputies for Dalkeith, the order for the burgh election caused bureaucratic uproar. It was essential that things were done in a way that the English authorities could not take exception to, in order to make sure that the council's position was lawful in the eyes of the English commissioners. This differed from the smaller burghs, where it was more important that things were carried out in a way in keeping with the ancient laws and customs of the burghs, and that their position was lawful under these statutes.

When the order for the election in Edinburgh came on 5 March 1652 there was a debate as to whether the new council was to be elected by 'the counsell now conveind... or if the nighbors as the colletive bodie sould be conveind consulted and their consent given to the counsell'.<sup>79</sup> Some members of the council did not wish to have an election at all, and wrote to the English commissioners asking them to elect the new councillors themselves, fearing an election would only exacerbate the 'differences of Judgements and breaches of Love amongst us, wee conceive the difficulties that will arise in such a meeting will not be few and may tend to makinge ye rupture greater'.<sup>80</sup> Such a call for direct interference in council business is unknown elsewhere and there must have been great disagreement and differences of opinion amongst the civic officials in Edinburgh. There may have been an element of self interest evident here, and perhaps these councillors felt that if the English



Commissioners elected the new office holders then they would be certain of places on the new council, and maybe even gain promotion from it.

The council eventually agreed to 'conforme to the warrands producit' and to elect the council in the usual way'. There were six vacancies for those who had objected because they were of the Protester party, and another nine vacancies for those who were absent. There was no problem in filling these places, and there were obviously enough men who were willing to step in and take the oath of loyalty to the English Parliament for a promotion onto the Edinburgh council. When the new councillors took the oath before the new Judge Advocate, only two refused at the last moment. The first, David Kennedy, the deacon of surgeons, refused absolutely, the second, the treasurer, John Lidell, was a Protester and was 'something unsatisfied'.<sup>81</sup> He was given no time to reconsider, unlike the men in Dumbarton, and replacements were quickly found for both of them.<sup>82</sup>

Most of the burghs were most happy to conform to elections along traditional lines. Again, Edinburgh's position differed from other burghs as it had the full attention of the English parliament and matters of procedure needed to be seen to be done in the proper way there. There could also be no question about the loyalty of the Edinburgh officials. The English may have thought that Edinburgh would be a model for the rest of the burghs to follow, but in fact by interfering so much in the Edinburgh council it may have prevented other burghs from following Edinburgh's lead wholeheartedly.

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<sup>1</sup> 'Lists of Shires and Burghs Summoned', Portland MSS, Nxx 70, C. S. Terry (ed.), *The Cromwellian Union*, (SHS, 1902), 12.

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- <sup>2</sup> Dow, *Cromwellian Scotland*, 37.
  - <sup>3</sup> 'Propositions to the shires and burghs', Portland MSS Nxx69, Terry (ed.), *The Cromwellian Union*, 14.
  - <sup>4</sup> B60/6/1, Pittenweem Council Minutes, 1629-1727.
  - <sup>5</sup> B60/6/1, Pittenweem Council Minutes, 1629-1727.
  - <sup>6</sup> Dow, *Cromwellian Scotland*, 36.
  - <sup>7</sup> NAS, B9/12/9, Burntisland Council Minutes, 1646-1653, fo. 331.
  - <sup>8</sup> Portland MSS, N xx, Terry (ed.), *The Cromwellian Union*, 26.
  - <sup>9</sup> W. Cramond & S. Ree, (eds.), *Records of Elgin, 1234-1800*, i (New Spalding Club, 1913), 291.
  - <sup>10</sup> Portland MSS, N xx 129, Terry (ed.), *The Cromwellian Union*, 31.
  - <sup>11</sup> B16/1/1/2, Dumbarton Council Minute Book, 1650-1655.
  - <sup>12</sup> B16/1/1/2, Dumbarton Council Minute Book, 1650-1655.
  - <sup>13</sup> B16/1/1/2, Dumbarton Council Minute Book, 1650-1655.
  - <sup>14</sup> *Extracts from the Records of the Burgh of Edinburgh, 1642-1655*, ed. M. Wood, (Edinburgh, 1938), 310.
  - <sup>15</sup> *ibid.*, 267.
  - <sup>16</sup> *ibid.*, 268.
  - <sup>17</sup> *ibid.*, 268.
  - <sup>18</sup> *ibid.*, 269.
  - <sup>19</sup> *ibid.*, 269.
  - <sup>20</sup> *ibid.*, 270.
  - <sup>21</sup> *ibid.*, 270.
  - <sup>22</sup> *Extracts from the Records of Glasgow, 1630-1662*, ed. J. D. Marwick (SBRS, 1881), 218.
  - <sup>23</sup> *ibid.*, 219.
  - <sup>24</sup> D. Laing, (ed.), *Letters and Journals of Mr. Robert Baillie, Principal of Glasgow*, iii (Bannatyne Club 1842), 173.

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- <sup>25</sup> *A Diary of Public Transactions*, 89.
- <sup>26</sup> *ibid.*, 89.
- <sup>27</sup> *Glasgow Burgh Recs.*, 219.
- <sup>28</sup> R. Renwick, (ed.) *Extracts from the Records of the Royal Burgh of Stirling 1519-1666* (SBRS, 1887), 200.
- <sup>29</sup> Dow, *Cromwellian Scotland*, 41.
- <sup>30</sup> *Glasgow Burgh Recs.*, 218
- <sup>31</sup> 'Doubts and Scruples of Lanark', Portland Mss Nxx 92, in Terry (ed.), *The Cromwellian Union*, 92.
- <sup>32</sup> Objections of Morayshire, Portland MSS Nxx 157, in Terry (ed.), *The Cromwellian Union*, 92.
- <sup>33</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 420.
- <sup>34</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 412.
- <sup>35</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 393.
- <sup>36</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 412.
- <sup>37</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 412.
- <sup>38</sup> NAS, B48/9/3, Linlithgow Town Council Minute Book, 1660-1673, fo. 412.
- <sup>39</sup> NAS, B48/9/3, Linlithgow Town Council Minute Book, 1660-1673, fo. 416.
- <sup>40</sup> NAS, B48/9/3, Linlithgow Town Council Minute Book, 1660-1673, fo. 32.
- <sup>41</sup> NAS, B48/9/3, Linlithgow Town Council Minute Book, 1659-1673, fo. 32.
- <sup>42</sup> NAS, B48/9/3, Linlithgow Town Council Minute Book, 1659-1673, fo. 32.
- <sup>43</sup> NAS, B48/8/12, Linlithgow Court Book, 1643-1657.
- <sup>44</sup> NAS, B48/9/3, Linlithgow Town Council Minute Book, 1659-1673, fo. 32.
- <sup>45</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 422
- <sup>46</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 422.
- <sup>47</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 420.
- <sup>48</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 420.



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- <sup>49</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 424.
- <sup>50</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 425.
- <sup>51</sup> *Aberdeen Council Registers*, 130.
- <sup>52</sup> Cramond & Ree (eds.), *Records of Elgin, 1234-1800*, i, 291
- <sup>53</sup> W. MacKay (ed.), *Records of Inverness*, ii (New Spalding Club, 1924), 204.
- <sup>54</sup> *ibid.*, 206.
- <sup>55</sup> NAS, B9/12/9, Burntisland Council Minutes, 1646-1653, fo. 331.
- <sup>56</sup> Terry (ed.), *The Cromwellian Union*, 24.
- <sup>57</sup> Terry (ed.), *The Cromwellian Union*, 25.
- <sup>58</sup> Terry (ed.), *The Cromwellian Union*, 25.
- <sup>59</sup> 'Charter to the Assenting Burghs', Portland MSS Nxx 108, Terry (ed.), *The Cromwellian Union*, 63-64.
- <sup>60</sup> NAS, B58/13/1, Peebles Council Minutes, 1604-1652, fos. 187-188.
- <sup>61</sup> B60/6/1, Pittenweem Council Minutes, 1629-1727.
- <sup>62</sup> B60/6/1, Pittenweem Council Minutes, 1629-1727.
- <sup>63</sup> B60/6/1, Pittenweem Council Minutes, 1629-1727.
- <sup>64</sup> Cramond & Ree (eds.), *Records of Elgin, 1234-1800*, i (New Spalding Club, 1913), 291.
- <sup>65</sup> B60/6/1, Pittenweem Council Minutes, 1629-1727.
- <sup>66</sup> B60/6/1, Pittenweem Council Minutes, 1629-1727.
- <sup>67</sup> B16/1/1/2, Dumbarton Council Minute Book, 1650-1655.
- <sup>68</sup> B16/1/1/2, Dumbarton Council Minute Book, 1650-1655.
- <sup>69</sup> B16/1/1/2, Dumbarton Council Minute Book, 1650-1655.
- <sup>70</sup> B16/1/1/2, Dumbarton Council Minute Book, 1650-1655.
- <sup>71</sup> B16/1/1/2, Dumbarton Council Minute Book, 1650-1655.
- <sup>72</sup> B16/1/1/2, Dumbarton Council Minute Book, 1650-1655.

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- <sup>73</sup> B16/1/1/2, Dumbarton Council Minute Book, 1650-1655.
- <sup>74</sup> Letter from the governor of Dumbarton, Portland MSS Nxx 178, Terry (ed.), *The Cromwellian Union*, 154.
- <sup>75</sup> Dumbarton Magistrates refusal of the oath, Portland MSS Nxx 177, Terry (ed.), *The Cromwellian Union*, 155.
- <sup>76</sup> Letter from the governor of Dumbarton, Portland MSS Nxx 178, in Terry (ed.), *The Cromwellian Union*, 154.
- <sup>77</sup> *A Diary of Public Transactions*, 89.
- <sup>78</sup> *A Diary of Public Transactions*, 88.
- <sup>79</sup> *Edinburgh Burgh Recs.*, 1642-1655, 268.
- <sup>80</sup> *ibid.*, 268.
- <sup>81</sup> *ibid.*, 268.
- <sup>82</sup> *ibid.*, 269.

## The Presence of the English Army

The most immediate and sustained impact of the English occupation on the burghs had to be the physical presence of the English army in the country, and particularly in the burghs. The presence of troops stationed in the burghs had a major effect on the way the civic authorities reacted to the occupation. The close proximity in which the burgh inhabitants were forced to live with the English had many effects on the towns and it did much to shape the relationship between the burgh councils and the English authorities during the Interregnum.

The whole country had to deal with the military occupation but the problem of quartering inevitably fell most heavily on the burghs. Most of the burghs in the country had to endure the costly and disruptive business of quartering, to a greater or lesser degree, and it was only the very small, poor, and more remote burghs that escaped. The English army relied on quartering, particularly in the burghs, throughout the whole of their period of occupation. At first, they had relied on free quartering for the troops' upkeep, but this had ended at the beginning of 1652 when the assessment had been introduced. Quartering was not a new experience for the burghs, many of which had been quartered on in the previous decade; however, then the soldiers had been of their own army. The presence of foreign troops in large numbers in the burghs, and over a prolonged period of time, had a marked effect on urban life. The burghs in Scotland experienced different types of quartering at the hands of the English army, depending on how large, and what strategic importance the town held for the English military authorities. For those burghs unfortunate enough to have a permanent garrison stationed in them, this often necessitated



quartering in the burgh as well. Towns of lesser importance, and without a garrison, often had to quarter large numbers of troops, either stationed there semi-permanently, or in transit, which required the burghs to provide transient quartering. The latter was most disruptive as, during times of increased tension troops were constantly moving through the country. Whatever the experience of the burghs, the regulating of quartering took up a large part of the civic authorities' time.

The burghs had hoped that the number of English soldiers would be reduced after the political settlement was put in place in 1652. Although they knew that there was a need for some troops in the country, many had expressed their desire that some number would be removed 'consistent with public safety'.<sup>1</sup> This was mainly because the vast majority of the burden fell on the towns. The burgh of Rothesay even suggested that if all the soldiers, except those in the garrisons, were to be removed from the country the English authorities could use other ways of securing the nation, such as hostages or pledges.<sup>2</sup> All of these measures would remove the burden of expense from the burghs. Unfortunately for the burghs, the English authorities retained the heavy military presence in the country, and there were no significant reductions in the number of soldiers stationed there until the second half of the decade.

As well as the expense, quartering was extremely disruptive for burgh life. The key to limiting the disturbance it could have potentially caused in the towns, appears to stem from a well-run regulation of quartering by the burgh authorities, from early on in the period of occupation. Burntisland was perhaps the best example of this. The burgh was unfortunate enough not only to have a large permanent garrison laid on the town, but also to have large numbers of troops quartered on it while they were

moving up and down the country, as it was the major ferry port to Leith from Fife. Here the burgh council appear to have realised, almost as soon as they were occupied by the English troops in 1651, that the regulation of quartering by them was imperative to good relations between the army and the council, but was also necessary if the burgh was to keep a tight rein on the financial demands of the army. In addition, by controlling the situation, it limited the opportunity for disorder in the town, between the locals and the soldiers. By regulating the quarters in the town, they could keep a record of what was owed to them by the army, and in return make sure that each person in the burgh who was able would pay their share of the increasingly heavy common burden on the town.

With the arrival of the Commissioners from England in January 1652, and the likelihood of an impending political settlement, the council ordered that a roll of quartering be drawn up.<sup>3</sup> They made a decision that, as the inhabitants were so heavily burdened, they would compensate, with payments from the ordinary stent, those that had had soldiers inflicted on them during the period of free quarter.<sup>4</sup> By August 1652 the council had begun to appreciate how much time the regulation of quartering had taken up, and so they appointed quartermasters for the burgh, who were ordered on 12 January 1653 to draw up a list of who had been quartered on and for how long since the soldiers first came to town in 1651.<sup>5</sup>

In order that the quarters would be seen to be equitable, and taking into account that not all the inhabitants were able to accommodate soldiers, the council decided that 'satisfacioun for sojory q[uar]tering to be givin be ym yt hes none'.<sup>6</sup> They agreed in February 1653 that, for collecting the money for the quartering in the long term, the whole town should bear the burden proportionately according to the stent

roll and those who were quartered on should have an allowance off their share<sup>7</sup>. They constantly updated the stent roll throughout the period of occupation in order to keep control of the increased financial burdens, and to make sure payments towards them were on an equitable basis, and that assistance was given to those who appeared to be overburdened with soldiers. They came to this conclusion after examining what other burghs were doing in regard to the quartering issue.<sup>8</sup> For Burntisland, the tight regulation of quartering was important, not only for the financial organising of the burgh, but also to keep good order in the burgh. It was imperative that the council were able to retain tight control over their internal affairs with so many soldiers in the burgh, and to be seen by their own population to be trying to make the heavy burden lie as equitably as possible on all the inhabitants. In other towns the burden of soldiers quartered on them did not lie so quite so heavily in comparison to Burntisland. In these cases the regulation of soldiers quartered on the inhabitants was important but perhaps not quite as imperative.

Not all burghs were so quick to deal with the situation. In Linlithgow the problem of regulation of quartering was dealt with later than in Burntisland. Linlithgow too had a garrison stationed in the burgh. The first sign that the council was willing to take a hand in the ordering of quartering in the burgh came in May 1653, when a report stated that the troop quartered in the burgh were to leave and that foot soldiers were to take their place. The council then decided that those that had previously been troubled with the company of horse were to be spared the new foot soldiers.<sup>9</sup> The council did not make a full list of the inhabitants quartered on until December 1655, when it agreed that inhabitants that were not quartered on were to be stented proportionally to pay the coal and candle money (see p92) for the relief



of those that were burdened with soldiers. In Linlithgow the authorities did try to lay the burden of quartering more evenly on the population, and attempted to make the soldiers move from one dwelling to another. They soon found that the soldiers would 'not change about upon the inhabitantis',<sup>10</sup> and therefore they, like the council in Burntisland, decided to make a list of those troops in the burgh and how long they had been there. They eventually decided that each person who did not have a soldier quartered on them were to pay those that did at the rate of six shillings Scots per week.<sup>11</sup> The council only began to control the actual placement of the soldiers after September 1656, when the council noted that as other burghs had obtained the power to carry out this task, they would petition the commander in chief to that effect. It also wanted the power to oblige those soldiers who had wives and children in the burgh to take houses in the town, and pay for them accordingly.<sup>12</sup>

In Peebles, there was no permanent quartering throughout the 1650s but the council found themselves quartering soldiers who were in transit through the town. Quartering here was not on the same scale as the more strategically important burghs but, nevertheless, it was an unwonted financial burden and in some ways more disruptive than the permanent quartering experienced by other burghs. At first, the council agreed to compensate those inhabitants of the burgh who had been quartered on themselves, from council funds, without further taxing the inhabitants. For example, in December 1652, they agreed to compensate the landlords who had quartered Twisiltounes's [sic] regiment for eight days<sup>13</sup> and later in the month had to pay those that had just quartered Captain Deane's and Captain Colme's regiments.<sup>14</sup> However, by December 1653, when quartering had become more common and seemed unlikely to be lifted in the short term, they agreed that those who were not

quartered on had to pay their share of the burden. The process of payment for quartering had to be observed to be fair, and the council ordained that the landlord who had been quartered on should, 'befor their contributters, compt with the souldiores and receave payment, and thairafter the landlords and contributters to compt and pay the contributor, and they both to be equal losers according to their furnishing and abilities'.<sup>15</sup> By December 1653, the council in Peebles had agreed to appoint persons to help the council quarter soldiers in the future, as the military occupation looked set to continue, and there was increased movement of soldiers due to the Royalist revolt in the Highlands which was likely to affect them.<sup>16</sup> This rebellion, known as Glencairn's Rising, was contained to the Highlands and lasted for sixteen months. The constant movement of troops north during this period, added to the disruption quartering caused in the lowland towns.

In all the burghs the payment for quartering began as an *ad hoc* affair. In Ayr, in 1651 the council prepared to pay the inhabitants for the 'furnished rouse and fleairs' they had given to the English soldiers from the common stent.<sup>17</sup> By the end of 1652 it had become increasingly obvious that the military occupation was not going to end with the political settlement, and, therefore, all the burghs were forced to regulate their quartering on a more permanent basis. It was noticeable in the Perth council records also, that the issue of quartering and the increased regulation of it by the burgh authorities started in the middle of 1653 as the increased tension in the north grew. On 1 October 1653, the council received a letter from the English governor of the army in the burgh, requiring the burgh to provide quartering for another four troops of horse, and a week after that another eight troops of horse. As there were already 300 horse and foot in the burgh, the demands on the inhabitants

were insupportable.<sup>18</sup> In Perth, the council had already written to the governor of the garrison in May of that year, complaining of the heavy burden of quartering the town had to bear.<sup>19</sup>

In order to gain some relief, the council drew up a petition on 3 October 1653 to be presented to Colonel Lilburne, the commander in chief, expressing their utter desolation due to the heavy burdens of the quartering, and announced to him that if the army intended to bring

mare troupes wtin ye poore burgh qlk will occasioun the remoweall off many of the Inhabitants furth yroff Alwayes we are...to submit to qtsumever yor honr sall be pleased to doe for the saftie of the peace and guid of the publict only this much wee doe humblie supplicat at yor honor hands that you wold comisserat our sad condinies[?] so far and to modifie some considderabill lifting to be peyat in to the Inhabitanes of the burt for the qrtres of the trouperes and wagoners.<sup>20</sup>

In addition to the list of sufferings of the burgh, the council, in order to help their case, offered a practical suggestion as to where the English could get the extra money to support the burgh's quartering costs. It recommended that the area of the shire towards Fife and Fife itself, where the troops were coming from, be asked to pay towards the quartering, as the area of Perthshire towards the Highlands was as destitute as the burgh.<sup>21</sup> Unfortunately for the Perth council, the military authorities ignored this suggestion and they had to continue to finance their increasing burdens themselves.

It was at this juncture, with the increase in the number of troops needing quarters in the burgh as they passed northwards, that the Perth council thought fit to



reorganise the regulation quartering in the town. A quartermaster and four assistants were elected to regulate the quartering. They were ordered to make a list of those who had soldiers already in their houses and those houses that were held by Englishmen. For those inhabitants who had no stables for the horse, they were expected to contribute in proportion to their ability.<sup>22</sup> This meant that not only were the houses overburdened with troops, but in Perth there were many complaints throughout the whole of the Cromwellian period about the burdens on the stables of the town due to the heavy quartering of troops of horse.<sup>23</sup>

The practical approach to the regulation of quartering by the burgh authorities was symptomatic of the councils' attitude to the English regime as a whole, in that it was clear fairly early in the 1650s that they would have to co-operate with the army, and take the initiative, if they were to protect their own burgh's interests. In seizing the initiative by ordering the quartering for the burgh, and taking it out of the army hands, they not only improved relations between the army authorities and the council, but they also helped ease the relations between the inhabitants and the soldiers. This, combined with the strict army discipline, meant that the threat of disorder in the burghs was minimised. It meant, however, that a vast amount of the time of the civic officials was taken up with the organisation and regulation of quartering, and the payment for those that were quartered on. This was a particularly arduous and time-consuming task in those burghs that had large numbers of troops stationed there, especially if different companies were constantly moving through the burgh. The Perth authorities complained in 1654 that, 'we are confoundit with daylie chairges of troopes, some coming in and some goeing out that we can hardlie condescend upon the particular names of troopes'.<sup>24</sup>

The regulation of quartering by the burgh officers, however, became an integral part of burgh life and the cost of quarters became part of the whole package of financial burdens that the English occupation brought with it. The quartering became so much part of council business that they began to use it to their own ends. It was, in some instances, used as a threat or a punishment by councils on those inhabitants who would not pay their part of whatever financial demands were being asked of them. In Burntisland, the council, in January 1654, instructed the bailies to quarter soldiers on those inhabitants who had refused to pay their share of an action the council had taken over a matter of the payment for seats that had been built in the kirk.<sup>25</sup> Quartering was also threatened in the case of those who had been deficient in paying their fines for the selling of overpriced ale in the burgh.<sup>26</sup> In Ayr, the council decided that those who owed stent, and who did not pay when the collectors came around, were to be quartered on by troops, excluding those the collector knew were too poor to pay.<sup>27</sup>

Not all burgh councils had the privilege of being allowed to organise the quartering in their own towns. Dumbarton was quite heavily quartered upon, particularly in the period 1654 to 1655, due to the troubles in the Highlands, and also due to the permanent garrison in the castle. In July 1654, it sent a commissioner to ask Monck to remove a company of men from the burgh as the town was finding the financial burdens of the soldiers very draining.<sup>28</sup> Despite this petition, the number of troops in the town appears to have increased. By October 1655 the council tried to take control of the situation, as it seemed that it was not going to have its burden eased. Therefore, it appointed a representative to go to Edinburgh to petition General Monck to grant power to the burgh, and its future appointed quartermasters, to

regulate the quartering in the town, as other burghs were doing. In reply, Monck sent an order saying that the burgh enjoyed the same privileges as other burghs and it would continue to do so, therefore, he saw no reason to grant any other order.<sup>29</sup> This was a signal for the council to start to regulate the quartering. From this point on the council spent much of its time organising quartering and collecting of money for coal and candle. They appointed specific quartermasters only in June 1656, with orders to make sure that they regulated affairs equally and proportionately.<sup>30</sup> The English authorities do not appear to have issued specific orders for the burghs to regulate the quarters in the burgh but, as the matter came within the remit of the internal affairs of the burgh, it seems to have been the councillors who took the initiative, which was to the best advantage of both military and civilian authorities. The good working relationship between the local army commanders and the burgh councils had much to do with the civilian government being allowed to regulate the quarters.

The military authorities were happy to see the burgh councils organise the quarter in their burghs and they did not interfere in what became a civilian matter. Only in Glasgow was there any evidence of the army interfering in the situation. Like the smaller burghs the council in Glasgow began to regulate the quartering more closely; in October 1654 quartermasters were appointed to revise the existing quarters, taking up the number of soldiers in each house and the name of the captain of their company.<sup>31</sup> These lists were continually revised throughout the rest of the decade as in other burghs. However, it seems that at some point the army had begun to control the soldiers in the burgh themselves, as in February 1656 the town council sent a petition to General Monck to request that the town's quartermasters could have the power to regulate quartering as before. It also asked that the English army



officers would refrain from meddling with this and other affairs concerning the town.<sup>32</sup> There is no explanation as to why the quartermasters no longer had control of quartering; Monck appears to have been sympathetic to the Glasgow authorities, and the quartermasters continued to organise quartering closely in the burgh until the end of the Cromwellian era. It was testament to the organisation of all the burghs, and the thoroughness of councils' endeavours to regulate quartering, that there were very few incidents recorded of disagreement between the town's inhabitants and the soldiers who were quartered upon them.

### **Coal and Candle Payments**

The regulation of quartering of soldiers was just one aspect to the demands the incumbent army made on the inhabitants of towns. Another major and most pressing demand on the burghs was the supply of coal and candle that was required for soldiers within the burghs and in the garrisons. All the burghs were affected by the financial demands for the supply of coal and candle, not only those who had to supply it for soldiers within their own towns. In many cases, burghs which were not quartered on directly had coal and candle payments levied on them to help alleviate the heavy demands on the larger burghs. The supply of coal and candle money became the main financial demand on Scottish burghs that had any sort of army presence. It lay particularly heavily on those towns who were unfortunate to have a garrison and quartering laid on them. The demand for it was far more pressing than the demand for cess, as it had to be supplied to the local garrison or to the inhabitants of the burghs who were quartered on, and there was no room for delay.

The burdens of collection were so heavy that trying to get the money for the supply of coal and candle meant a constant round of petitions by the burgh authorities in each town to all levels of the English authorities for help with paying it, or, indeed, petitioning to have it taken off altogether. These petitions led to an increasing reliance on the fostering of goodwill with the English authorities, in order to attempt to get reductions on payments. In marked contrast, in some areas, it saw an increased tension between burghs and the localities which were often allocated a share of the towns' burden.

Linlithgow is one example of where there was a breakdown in relations between the town council and the areas which were allocated to help them pay their heavy demands for coal and candle, needed for the garrison at Linlithgow castle. Here, the continuing problems of payment for the coal and candle money are recorded in the council records from 1654 until the end of the English regime. At the end of 1653, Lilburne, the commander in chief, gave to Linlithgow burgh an order to get money from the gentlemen of the shire to help pay their coal and candle money.<sup>33</sup> In January 1654, the discussions between the burgh and the local heritors of the shire over this order began, but there was little progress made.<sup>34</sup> Eventually, after several unsuccessful attempts, the burgh council was forced to send two members to Dalkeith to a meeting with some gentlemen of the shire, arranged by the commander in chief to try to achieve an agreement over the issue, as they had been unable to co-operate satisfactorily between themselves.<sup>35</sup>

As well as trying to obtain help from the shire, the burgh was also allocated, by the commander in chief, the right to get money from the burgh of Peebles for 120 troopers who had been quartered on the burgh from 1 December 1653. Peebles was

ordered to pay six pence sterling for each trooper, per day, in Linlithgow.<sup>36</sup> The Linlithgow council began, in February 1654, a series of protracted negotiations between itself and the collector of the cess for Peebles over the share of the coal and candle money allotted to Linlithgow.<sup>37</sup> At the same time, it was still seeking the money owed to it by the gentlemen of the shire for the first soldiers quartered on the burgh. Despite the meeting it had had in Dalkeith it was still without payment; on 18 March 1654, the council turned to the local military authorities to seek help in recovering what was owed to it.<sup>38</sup> To this end the council recommended that a letter be written to the governor of the castle to express to him 'how much we ar slichted and wronged be our gentilmen and desyr him to sie to the reparing of it'. In the same letter, it asked the governor if he would inform the commander in chief that, as well as problems with the shire, Peebles had also disobeyed his orders and had not yet paid the money it owed to Linlithgow for the coal and candle.<sup>39</sup> The meeting with the collector of cess from Peebles had obviously resulted in little joy for the burgh and it had been forced to go to the English authorities to try and obtain the money. Not only did the Linlithgow council want the governor to intervene on its behalf; it also wanted him to obtain an order to allow them to quarter soldiers on Peebles if they continued to refuse to pay the money due.<sup>40</sup>

On 25 March, a commissioner from the town, who had been dispatched earlier to Dalkeith to see the commander in chief, returned with an order detailing that all the coal and candle owed by both Peebles and the gentlemen of the shire was to be paid immediately.<sup>41</sup> By 6 May 1654, however, the council reported that it was no further forward in receiving its payments.<sup>42</sup> The collector for the town who had been sent to Peebles to get the coal and candle money reported that Linlithgow should



expect no payment from Peebles unless orders were given by the English to collect the sum, or to send a troop of horse to be quartered there until the money was paid.<sup>43</sup> There had also been no payment received from the gentlemen of the shire who, unlike Peebles, did not just refuse to pay, but they in turn appealed to the commander in chief to let them off payment altogether.<sup>44</sup> On 1 July 1654, the Linlithgow council got word that the military authorities in Leith had passed the matter over to Colonel Lytcott, the governor of Linlithgow castle, to arbitrate over the matter and to see if an agreement could be reached between the shire and the burgh.<sup>45</sup> At a meeting held on 4 July 1654, Lytcott was unable to reach any mutually acceptable conclusion to the matter and he was forced to pass the matter back to the governor of Leith.<sup>46</sup>

It was ordered by the military authorities in Leith that both sides were to appear there the next week, and there it was decided that the coal and candle money was to be collected by a clerk chosen by both parties, under the threat of quartering.<sup>47</sup> Despite this agreement, the coal money still had not been collected on 29 July 1654 and the Linlithgow council, having failed with the governor of the castle and the governor of Leith, decided to inform General Monck of the problem to see if it could get it paid directly to the town by the army treasurer every month.<sup>48</sup> Monck replied to their petition on 7 August 1654, ordering that the governor of Linlithgow castle was to ensure that the shire contributed to the coal and candle as had been previously stipulated.<sup>49</sup>

The problem of payment from the shire was eventually mitigated by the central army authorities who added the parishes of Ratho, Kirknewton and Colinton to the shire of Linlithgow for payment of the coal and candle. This appears to have been acceptable to the shire who had been refusing to pay any contribution because the

heritors felt that their share was too large. Orders were given to Colonel Lytcott to ensure that the shire's proportion of coal and candle was paid immediately, both for the guards in the castle, and the soldiers quartered on the burgh of Linlithgow, at the rate of six shillings Scots, per man, per day starting on 13 September 1654.<sup>50</sup>

The situation of Linlithgow's coal and candle dispute demonstrated how unwilling the English military authorities were to use force to sort out disagreements between the civilian authorities, even if the parties went against specific army rulings. They were willing to make decisions over how payment was to be proportioned but they were not prepared to use the army to force civilian parties to pay money owed to each other. This left burghs like Linlithgow at a disadvantage. They were forced to bear the brunt of the financial demands of the quartering, coal and candle and other demands of the army in their town; when, however, they wished to seek redress for their grievances they had to approach the English authorities with petitions, which took more council time and expense. Even when rulings were made in their favour, they had no authority to force the other parties to pay, and the army was not willing to involve itself directly in these disputes. This lack of direct action by the English military authorities meant that local disputes often became protracted and expensive. The burghs were probably more keen to see wider use of the army in local disputes, as it was in fact Linlithgow council which suggested that quartering be used to help get the money from Peebles.<sup>51</sup> If the burghs used the threat of quartering within their own towns to force those reluctant to pay, it was a logical extension that they would be happy if the army could force those reluctant to pay their share of the financial demands made on the burghs.

The dispute over coal and candle payments in Linlithgow was ongoing throughout the 1650s. The relations between the shire and the burgh appeared to have improved, as in February 1655, the provost returned from Dalkeith having negotiated with the army authorities that the parishes of Calder and the east parish of Kirkliston were to be added to the shire to help it pay the coal and candle, to be effective from 1 September 1654.<sup>52</sup> At the same time, it was clear that Peebles still had not paid its share of the coal and candle money, but eventually, the Linlithgow council received word from the collector of Peebles that it would be able to pay soon, and on 20 September 1654 it was reported that Linlithgow's treasurer had received £20 sterling from Peebles with promises to pay the £4 sterling still outstanding by the end of the week.<sup>53</sup>

The new found co-operation between shire and burgh lasted less than a month as on 3 March 1655 the town clerk produced orders from the commander in chief that the shire was to pay coal and candle at five shillings sterling for horse and four shillings sterling for foot. This order was contrary to the one obtained by the provost when he was in Dalkeith, which was that the shire was to pay six shillings sterling for horse and five shillings sterling for foot.<sup>54</sup> The council then agreed to supplicate the commander in chief to get the former orders reinstated. The issuing of contradictory orders by the English authorities, in order to appease each side, only made relations between the local authorities in the burghs and shires worse.

On 2 May 1657 the council reported that those burdened with soldiers still had not been paid fully for coal and candle for the previous year, due to the poverty of the inhabitants and the town in general. The council, therefore, agreed unanimously to pay those burdened with troopers for three months of 1656 at five shillings, per



man, and for two months of 1657 at six shillings, per man.<sup>55</sup> As coal and candle had to be supplied to the garrison in the castle as well, this was the council's main priority and it was the inhabitants of the burghs who were quartered on who suffered the most. Linlithgow continued to receive help for their coal and candle payments from other parishes, but it also received, in August 1657, a sum from the army collector at Leith for the coal and candle expenses of the guard of the previous winter, as former contributions made by the army had not covered the whole amount.<sup>56</sup> This help for the payment of coal and candle allocated to the burgh was much needed because the burden had become increasingly heavy as the occupation of the country continued.

The collection and distribution of the coal and candle money was as well regulated by the council in Linlithgow as the quartering was. The town officials were constantly aware of the need to lay the burdens fairly on the inhabitants. In May 1656, the bailies expressed their concern at a council meeting that there appeared to be an unequal levying of coal and candle on the inhabitants, especially on those that were also having to endure quartering. The council took measures to reapportion the coal and candle as best it could to ease the burden of those quartered on.<sup>57</sup> It was not only burgh officials who were concerned about the welfare of the inhabitants. Even some of the army leaders appeared to appreciate the burdens on the ordinary man. A Lieutenant, in charge of the horse and troop in the town, voiced his concern to the council over the heavy demands being made on the inhabitants who were quartered on in the burgh.<sup>58</sup> In February 1659, the council in Linlithgow ordered the collection of three months coal and candle money to help ease this burden.

Peebles, too, was quartered upon in the 1650s, although not permanently, and perhaps its own burden was why it was so reluctant to help pay for the coal and candle money of Linlithgow. It also needed help with its payments and, in April 1652, it received money for its coal and candle from its own shire. As it did not have the need for permanent quartermasters the Peebles council would appoint two men to collect coal and candle money from the inhabitants, whenever troops were quartered on the burgh. The rates for this varied, and in November 1657 it was collected at the rate of four shillings Scots for each trooper,<sup>59</sup> weekly, but by February 1658 it has been raised to six shillings Scots.<sup>60</sup> In keeping with most other burghs, those who were quartered on were to be exempt from the collection. Most of the burghs' leaders were increasingly aware of the need to take control of the issue of quartering and the gathering of coal and candle money for their inhabitants. In Haddington, the council regularly ordered full lists of those quartered on was to be taken, in order to find out how much coal and candle had to be paid, and to make sure that it was all up to date and being proportioned fairly.

If Linlithgow burgh and shire could not agree to the proportioning of coal and candle, Fife was a model of co-operation between the burghs and the gentlemen of the shire. In November 1652, a representative from St. Andrews presented a paper to the Convention of Burghs from the shire of Fife. In it, the gentlemen of the shire offered, on behalf of the people of Fife, 'to contribut with the burrowis of that schyre for the maintenance of the sojouris quartered within the saidis burghis and thair guardis with coall and candle'. The paper went on to recommend that it was done in all shires in the country.<sup>61</sup> The good relations between the shire and burghs was mirrored in the close relationship that existed between the different burghs in Fife,

which held regular meetings of their representatives. They discussed issues concerning their burghs and agreed on policies for the furthering of their interests. This was not a new development but it was particularly helpful during the period of English occupation. They regularly discussed the issue of coal and candle and, in December 1652, the Burntisland commissioner to the Fife committee held at Cupar reported back to his council that two men had been appointed to go to Major General Lambert to ascertain how much the shire should contribute to the burghs' coal and candle.<sup>62</sup> Further to this, a meeting of the Fife burghs was held at Leven, in January 1653, in order to discuss the problem of coal and candle money more fully amongst themselves. In Fife the coal and candle money was controlled by the English collector of Fife, Thomas Glover, who made account of the amounts for the county for coal and candle, assessment and quarters. These were all regulated by him, and collected proportionally from the towns and county. For example, in April 1653, Burntisland was ordered to pay to the collector £6 sterling, a month for coal and candle, taking into account what was owed to the burgh for quartering and cess allowances.<sup>63</sup> Only when the money was received from Glover could it be distributed to the inhabitants of the burgh. The scale of the coal and candle needed for quartering in Burntisland was illustrated by the figures produced by Burntisland's commissioner David Seaton, who reported from the collector of Fife on 30 October 1654, that from July to October 1654 the burgh owed £49.4.0 sterling for cess, and was owed £73.0.8 sterling by the army for their coal and candle contribution for the town.<sup>64</sup> Indeed, the council in Burntisland spent much of its council time discussing coal and candle, making sure it knew how much was needed and how it was to be collected. It was a



necessary part of council business to make sure that the payments were up to date in order to keep both the army and the inhabitants content.

The collective actions of the Fife burghs worked in their favour. It meant that, in theory, they would have more power when they supplicated the authorities for rebates for their coal and candle, which they did frequently. In May 1653, two men were appointed by the committee of the burghs of Fife to petition Colonel Lilburne against the low rebate they had received for their coal and candle.<sup>65</sup> Individually, the burghs were less likely to have an effect than if they approached the English authorities collectively. It also was of great help to the smaller burghs which were able to get the benefit of the experience the representatives of the larger burghs had in dealing with the English, in Leith and Dalkeith. They received the opportunity to have their interests represented, when it was unlikely they could have afforded to send their own commissioner to petition the authorities on every issue.

The troubles in the Highlands from 1653 to 1655 put more strain on army resources and, accordingly, caused the burghs increased hardship due to the rise in the number of soldiers on the move through the towns. This caused further financial pressures on the burghs which were exacerbated when the English authorities cut back on the financial help they gave for coal and candle. In November 1654 matters got worse in Burntisland as the coal and candle rebate for the burgh was cancelled altogether. The council dispatched David Seaton to supplicate General Monck for continuance of the payments.<sup>66</sup> In addition to this, the money collected from the shire to contribute to the burgh's burdens had also dried up, and a letter was written by the civic leaders in November 1654 to Thomas Glover, the collector, pointing out that in the past the shire had given an allowance to the burgh for coal and candle for those

quartered on in the burgh and for the guard. A copy of the letter was taken to Colonel Daniel, the governor of the garrison in Burntisland, to acquaint him of the financial troubles the council found itself in at this time and, perhaps, to gain his sympathy and support over the matter.<sup>67</sup>

At the beginning of December the council gained a reply from Daniel, who said that he could not allow coal and candle money for foot soldiers within the town at that time, appreciating the town's situation; however he gave the council a letter of recommendation to give to Monck concerning the coal and candle for the guards. David Seaton was then appointed to go to Monck to attempt to gain whatever small amount he could.<sup>68</sup> Unfortunately, he had to report back to the council empty handed on 11 December 1654, 'declarin that the gnall refused to grant any allowance pretending that it wes not within his power. Bot that the town must be under the burden of the same wt out payment for this seasoun. Bot promised to be as gud to the toun another'.<sup>69</sup> This removal of the rebate was disastrous financially for the burgh and the council was extremely concerned over the matter. It estimated that the cost of coal and candle for the guards alone would be 40 shillings sterling daily, and there was no extra time to collect it as it was due to the army every week. The council decided on drastic measures and they paid all the coal and candle money they had in the coffers to the treasurer and determined to collect all the fines owed in the burgh from the brewers, the rest of the cess owed by the inhabitants and any other fines that were outstanding and put it to the use of the coal and candle payments.<sup>70</sup>

These measures could pay for the coal and candle only in the short term and the council was forced on 18 December 1654 to impose ten shillings upon every boll of malt brewed for ale or beer within the burgh to attempt to defray expenses.<sup>71</sup>

Although this appeared to be a solution to the problem, by 1 January 1655 the council reported that it could not adequately collect the tax, as the brewers were denying they brewed much of the beer, and were not willing to pay the malt tax.<sup>72</sup>

The council, 'in regard of the great paines and trouble in collecting of the impositioun on the boll malt brewin', had to proportion the tax out amongst the brewers to be paid monthly.<sup>73</sup> The financial demands on the whole population were increasing and in the same month the burgh found that the shire still owed them £23.16.0 sterling for coal and candle money. The council, concerned for its inhabitants, issued orders to the quartermaster and the bailies to reorganise some of the quartering in the burgh and to give what assistance they could to those who were over burdened.

What had previously been a good relationship between the shire and the burghs of Fife deteriorated later that year when, in July, it was discovered that the shire had been taking the half crowns that had been levied on those that had gone to join the rebels in the Highlands during Glencairn's rising, and was using them to pay for the dragoons of horse quartered on it.<sup>74</sup> The burghs objected to this and representatives were sent to a meeting of the gentlemen of the shire, and 'there did protest agains yr preceidings unles they wold lykwayes take in the burrowis loss to be payit'.<sup>75</sup> The matter dragged on as the burghs were distrustful of the numbers put forward by the shire of those that went to the Highlands as 'they conceaved the paroches had not given up Justlie, the burrowes qrby they were lyke to suffer'.<sup>76</sup> The large financial demands of the English army levied on the population had begun to cause local jealousies and disagreements, as the burdens were so great that all parties were determined to pay as little as possible, even if this was to the detriment of their



neighbours. Despite this, the Burntisland council was extremely successful in managing its increasingly difficult financial situation, and this was illustrated by the fact that, despite the problems with their coal and candle money, it succeeded in paying its cess on time. For example, on 15 January 1655, the town received discharge for the cess for the months of November and December from the collector of the shire, when the burdens of the winter coal and candle supply were at their greatest.<sup>77</sup>

With the central government finding it increasingly difficult to finance the military occupation, and the innovations in civilian government, it was the localities which suffered as the government reduced the rebates they had previously allowed, and stepped up its demands for money. In January 1656, the commissioner for Burntisland who had gone to Leven to see Thomas Glover, reported back that the allowance that had previously been given for the guard fires had been removed by an order from the Council of State.<sup>78</sup> To try to remedy this the committee of the Fife burghs appointed two men to go to Colonel Mason, at the garrison in Burntisland, to see if there was anything to be done on this matter.<sup>79</sup> They presumably went to the local commanding officer as he was in a position to recognise the financial burdens already inflicted on the burghs and the condition they were in. It was also the case that the relationship between the town and the local forces was the most likely to suffer if the allowance for the guard fires was cut.

When one avenue of help dried up the burgh councillors immediately tried a new one, and often if the central authorities stopped rebates, even for a short time, the burgh representatives would go to a local commander who may have held a more sympathetic view, in that it was his men that were directly affected by the poverty of

the inhabitants. In this case, the persistence of the burgh representatives in Fife paid off, and on 21 April 1656, £26.16.6 was received from Major Davidson in Leith for coal and candle for the guard fires in Burntisland from 1 January 1656 to 1 May 1656.<sup>80</sup>

Perth, another major centre of army activity, was troubled with the issue of coal and candle throughout the 1650s. One of the first entries in the council minute book, in September 1652, was a declaration that, due to the 'necessitie of coalls to be haud to this brut for the cess of the gariesoun and in regaird of fyres to be haud to them now in this approcheing winter seassoun for the guardis in the nyt tyme', the treasurer was appointed to go to Dalkeith to petition the Major General to try and get some coal or money for this purpose.<sup>81</sup> He had little response, but received a reply from Lilburne that the town had to furnish the guards with coal and candle or else pay twelve shillings every night for that purpose. On receipt of this letter, the provost and bailies tried another course of action and went, the next day, to speak to the governor of the castle about the coal and candle for the garrison.<sup>82</sup> They achieved little success here, and were forced to pay; and on 22 November the council appointed a man to take what coal and candle they had 'for the ease of the garrison'.<sup>83</sup>

The issue of coal and candle was the greatest burden on the council of Perth throughout the decade. The demands of the large garrison in the burgh meant that there was a constant demand for coals, and by 1653 the regulation of it had become well organised by the council. Nearly every entry from mid-1653 in the council book had some reference to coal and candle. Because of the constant demands, the council was always keen to seek any rebate it could, and it took every opportunity to petition

the governor of the castle and, latterly, the new citadel, for ease of coal and candle. Even when Lilburne, as commander in chief, came to the burgh in August 1653 the council appointed the provost, a bailie, and the dean of guild to meet with him to discuss the amount of coal and candle furnished by the town to the garrison, and to try to solicit his help with the matter if they could.<sup>84</sup> Lilburne was apparently quite sympathetic to the town's cause, and on his recommendation, the council made a report of the issues of coal and candle and quartering in the burgh and sent it to him, at Dalkeith, at the beginning of October 1653, along with another petition concerning English traders in the burgh.<sup>85</sup> (see p 214).

The army authorities were not insensible to the hardship of the burghs, but they found that they were not always able to pay their share of their own coal and candle, and the troops in the garrison had begun to take money for it out of the cess money collected.<sup>86</sup> The Council of State in Edinburgh needed the money from the assessment for other matters, and Monck wrote to John Thurloe, Cromwell's secretary, in July 1657, saying that unless the government was prepared to give it a share of the excise money for coal and candle for the garrisons, it would be forced to remove the soldiers from there and quarter them in the towns.<sup>87</sup> Monck succeeded in preventing this, but the pressure to collect coal and candle money increased on the burgh councils.

One of the major reasons that coal and candle was so much of a problem was that the coal masters had begun to put the prices of coal up from the end of 1653. The Convention of Royal Burghs in March 1656 appointed representatives to go to the gentlemen and heritors of East Lothian, to consult with them over a petition to be sent to the commander in chief asking him to intervene in the matter of coal prices.



They asked him to make the coal owners supply the coal at the price and measures laid down previously by the Privy Council.<sup>88</sup> By the end of February 1655, coal in Fife had increased per load from the year before from five shillings sterling to six shillings two pence, sterling.<sup>89</sup> No improvement was forthcoming and by July 1655, there were further complaints about the increase in the price of coal imposed by coal masters on both side of the Forth.<sup>90</sup> Linlithgow council had also noted the heightened price of coal in November 1655, and it sent representatives to the gentlemen of their shire to see what could be done, as it was increasing the burden on the burgh.<sup>91</sup> The Linlithgow council agreed to petition the Council of State for redress, and also to write to provosts and bailies of other burghs, including Edinburgh, for help with this matter, as it was of universal concern to the burghs.<sup>92</sup>

The task of co-ordinating all the money the burghs received from different sources to keep up with the demands of the army in the towns fell on the burgh councils. In Perth, from 1653 onwards, regular meetings were held with the shire over coal and candle issues.<sup>93</sup> Meetings were also frequently held with the army officers in the garrison to discuss the same issues of quartering and coal and candle.<sup>94</sup> However, these meetings were not always trouble free and, in November 1653, the council held a meeting with the officers of the garrison over the matter of coal and candle and bedding that was to be furnished for new troopers who had recently arrived in Perth. This failed to produce any real satisfactory help for the burgh and the council was forced to go to the authorities in Edinburgh to try to seek redress for its grievances. It sent another petition to Lilburne in Dalkeith to treat with him over these issues to try to get the town's share reduced, its burden, the council declared, already being insurmountable.<sup>95</sup> This time, their endeavours were more successful

and Lilburne agreed to allow part of the coal and candle to be furnished by the county of Fife.<sup>96</sup>

As in the case of Linlithgow, the council in Perth found that the English orders over finance were not easy to enforce, with no practical assistance from the army. The attempts to get the money from the gentlemen of Fife proved to be more difficult than it thought. The first account of the money received by the collector of Perth from the collector of Fife showed that there was a large discrepancy in the amount Perth felt it was owed per soldier and the amount Fife had paid.<sup>97</sup> The Perth authorities found themselves 'much wronged' but were quick not to blame the collector of Fife as they suspected he only did what he was ordered by the leaders of the shire.<sup>98</sup> In order to rectify the issue, the Perth council sent a commissioner to the collector of Fife to draw up an account of what was owed together, so that there could be no further mistakes.<sup>99</sup> The treasurer of Perth also had trouble getting money which had been promised by the government authorities in Edinburgh and, in November 1654, the dean of guild and the treasurer were appointed by the council to do what they could to get the six shillings sterling, per soldier, that they had been previously granted by Monck for the coal and candle for the guard of the garrison, and which they still had not received.<sup>100</sup>

Other burghs were more successful in getting the money they were promised by the English authorities. In October 1654, the council of Dumbarton petitioned Monck to get payment from the garrison in Dumbarton Castle for coal and candle for the troops quartered in the town. It quickly received an order from Monck directed to Lieutenant Colonel Cotterall, governor of Dumbarton Castle, to pay the money owed to the town.<sup>101</sup> The council also received money from the collectors of Lanarkshire

and Renfrewshire, since a proportion of their collection that had been allocated to Dumbarton for its coal and candle expenses, seemingly without problem.<sup>102</sup>

The tendency of the English authorities to allocate areas to help the burghs with their payment was widespread but not universal. Stirling was not one of the lucky burghs, as it complained in a petition to Monck on 11 March 1653, that it

hes had no localitie for payment of coall nor candell as uther garisones have had and...for preventing of our totall rowine (which undoubtitlie the most pairt of ws wilbe shortlie brocht unto if not prevented) your lordship wald tak some course to setle a localitie upoun some place whair it may be most convenientlie had for payment of coall and candell to this garisone in tyme cuming.<sup>103</sup>

It still had not made any progress on this issue by September 1654, when another council member was nominated to go to Monck to attempt to get an area for assistance in furnishing the coal and candle settled on the town.<sup>104</sup>

In most cases, the coal and candle issue was just another addition to the long list of financial burdens that the English occupation brought with it. Only in Glasgow did it become more than a financial issue. Here, in December 1655, the council noted in its minute book that the English soldiers had come into the burgh to get coal and candle for their own guards and did 'tak upon them, without consent of the toune, the uplifting of the locality appoyntit for that effect'.<sup>105</sup> The council was very concerned at this breach of the authority of the burgh, but this incident was an isolated one, and it did not occur in any of the other burghs.

In all the towns with garrisons in or near them, there was also the added expense of furnishing them: finding beds for soldiers quartered in the town, as well



as often having to provide furnishings for houses that many officers took in the towns. The finding and supplying of these furnishing often was the job of the burgh council. In Dumbarton, the first request of the army when it took Dumbarton Castle in January 1652 was to demand that the council send two furnished beds for the governor's use.<sup>106</sup> In many cases, as soon as the national political situation was settled in 1652, the councils were keen to protect the interests of their inhabitants and began to keep records of what goods and furnishings had been taken by the English and to get compensation for some of it. The military in return was also keen that the furnishings were gathered in an orderly way and it gave lists of its needs to the council in the burghs so that they could obtain the goods required.<sup>107</sup>

Understandably, people were fairly reluctant to part with their beds and bolsters which might never be returned to them, particularly at a time when poverty was so great. The council in Burntisland, in February 1652, was ordered to send furnished beds to the castle for the officers; in order to get them from the inhabitants it promised that not only would it ensure that any bed sent would be restored to the owners, but as an added incentive, the person would be kept free from quartering.<sup>108</sup> Perth council was overwhelmed by the amount of furnishings demanded of it and it sent a representative to see Lilburne to petition him over the number of beds it was expected to give to the garrison.<sup>109</sup> In addition, it was also required to send timber to the garrison in November 1652 for building work, which proved to be a significant financial drain as timber was scarce and expensive.<sup>110</sup>

Furnishings for the army were hard to come by and when Lieutenant Colonel Coterell took up quarters in Glasgow in June 1653, the civic authorities were forced to borrow things from the burgesses of the burgh to furnish his house.<sup>111</sup> The

Glasgow council was very concerned to keep a check on what was being given to the English troops who were quartered in the town. It was perhaps easier for the Glasgow council to keep track of the furnishings as the English army only began to quarter on the town after the political settlement was in place, unlike other burghs who had lost the majority of their goods to the occupying enemy army in 1650 and 1651. When, in June 1654, the tolbooth of the town was taken over as a garrison, and had to be furnished accordingly, the army promised to recompense the council for the items it had given. The council was very keen to make sure that all the items were valued before they were taken to the tolbooth.<sup>112</sup> The Glasgow authorities had problems with the English soldiers taking horses from the burgh to carry their baggage to the garrisons at Ayr and Hamilton. The council felt that the inhabitants were never adequately paid for the horses and so it often augmented the compensation paid out by the army if it thought it necessary.<sup>113</sup> In January 1654, the treasurer was instructed to pay some poor men two shillings extra for each of their eleven horses that had gone to Ayr with the English troops' baggage, as they felt the eighteen shillings they had received for the horses was too little.<sup>114</sup> It also took other measures to mitigate the misery of quartering, perhaps, because the town was in such a desolate state after a fire of 1652 had destroyed a large part of the town. In August 1653, it ordained that every person who had sick soldiers in their house was to be given ten pence a day.<sup>115</sup> It looked after the interests of all their inhabitants and, in June 1654, when many of the soldiers had left the town for the Highlands, the council ordered that those women and children left behind by the soldiers should be quartered more appropriately, being without their husbands.<sup>116</sup> The Glasgow council was in the position to help its inhabitants, as its economic position was much

stronger than other burghs. The rest were not so lucky and the removal of furnishings for the garrisons and officers houses was a large burden on the inhabitants of such towns.

The stability which the political settlement brought provided the burgh councils with the opportunity to assess what had been taken from the towns so that they could keep an accurate record of their losses. In Stirling, in November 1654, the council nominated two members to go to the garrison in the castle to make an inventory of what furnishings there belonged to the townsfolk and to value them in order to gain compensation for them. The military authorities co-operated fully with the officials over this.<sup>117</sup> Even before the political settlement was in place, not all the English troops took from the Scots and gave nothing in return. In March 1652, the council in Burntisland reported that a cheese had been received, sent from Orkney by English soldiers, in payment for a barrel of butter which they had got from one of the natives of the town, Marion Geldie, when they had been quartered there while passing from Leith to the north.<sup>118</sup> It was all part of the co-operation that existed between the burghs and the English army, despite the hardships and disruption the military occupation had brought to Scotland.

### **The Social Consequences of Quartering**

One of the most remarkable facts about the burghs during the Cromwellian period was that, although there were large numbers of English troops settled in the Scottish burghs, there was remarkably little trouble between the English soldiers and the urban population. A major factor in this was undoubtedly the strong military discipline that the English themselves maintained. This, however, can only partially



explain why there was little unrest in the towns and why the inhabitants of the burghs seem to have generally accepted the English army.

It is true that the sheer size of the military presence was probably sufficiently intimidating to the urban population to prevent any trouble on a large scale, but there were also a lack of reports of smaller incidents of violence that might well have occurred in the burghs with the soldiers and civilians living in such close proximity. Examination of the surviving kirk session records showed a sharp rise in the number of cases of drunkenness in the urban parishes, yet there was no corresponding rise in the burgh court records in the number of cases of violence committed.

However, there were a few cases in the burgh records of violence involving English soldiers and the urban population but these are remarkable only because there were so few of them. In Dumbarton in August 1652, a burgess appeared before the burgh magistrates because he had refused to quarter two English soldiers sent to him by the council. He was reported to have compounded his fault by swearing at the magistrates when he appeared before them, and they swiftly removed his freedom and fined him for his insolence.<sup>119</sup> In Peebles a woman was fined for a 'ryot' committed on an English soldier,<sup>120</sup> and, in Dumbarton again, there was one report of a fight between an English soldier and a local.<sup>121</sup>

Doubtless, the strict military discipline enforced by the English officers was part of the success of keeping disturbances to a minimum. It was complemented by the continued discipline enforced by the ever vigilant civilian magistrates and council within the burgh and their tight control of internal burgh affairs. The ultimate sanction for the inhabitants within the burgh was the civic magistrates and the burgh court. There was evidence that the local burgh courts were used by the English

soldiers as well as locals to gain justice. On 22 December 1651, the burgh court in Burntisland received a complaint from an English soldier accusing four local men of 'breaking and blooding his head in William Harres hous'. The magistrates called the men before them and they confessed although, in their defence, they said they were provoked when the soldier called a local woman a name, to which he too, in turn, confessed. Although the case was brought before the urban court, the soldier was still under the jurisdiction of the military; so the local men were punished by the civilian court, and the soldier was reported to his commanding officer.<sup>122</sup>

It was not just cases of assault that were brought before them by soldiers. In September 1653, another English soldier, Andrew Abelbie, appealed to the burgh court in Burntisland asking compensation for clothes which he had left in a Katherine Davidsons's house in Burntisland, when he had been quartered there in the previous year, before he had been sent to the Highlands with his regiment.<sup>123</sup> The burgh court called all sides to appear at court but Davidsons failed to appear to answer the charge, so she was taken to be guilty and the magistrates decided that she was to return the goods or give payment for them to the soldier.<sup>124</sup>

The soldiers and their families were not free of the censure of the burgh council and magistrates when it came to internal matters. In Perth, the council received a complaint against an English soldier, Captain Blair, who, it was said, disobeyed the council and wrote malicious speeches against it. He was called to appear before the council to answer the charges against him.<sup>125</sup> In Burntisland, the council reported in October 1652 the case of Mabel Davidson, wife of an Alexander Williamson, a soldier of Captain Newman's company from the garrison in Leith, who was caught with a number of stolen clothes in the town. She confessed to stealing clothes and

blankets from an inhabitant of Burntisland, one John Simpstone. The council punished her by making her stand at the market cross at market time for two hours and then she was stoned through the town.<sup>126</sup>

If there were few reported cases of violence and theft reported between the soldiers and the townspeople, the presence of the army, however, did contribute to the huge increase in the number of cases of swearing and drunkenness brought before both the magistrates and the kirk sessions in all the burghs. A percentage of the increase can be viewed, in some cases, as the result of the return to normality in the burgh and the attention of the burgh authorities turning once again to matters within their own towns without the distractions of war. The increase in the amount of business carried out by the burgh officials is testament to this. However the presence of large numbers of soldiers undoubtedly made a large contribution to the increase in drinking and swearing.

These offences were regarded as sins and, therefore, fell under the remit of the kirk session, but they were also a problem for the civilian court as well. In Linlithgow, the council noted as early as May 1652 that there was a marked increase in drinking and swearing on market days, and it imposed fines of five shillings for drinking for the first fault committed, and forty pence for each 'oath', with the amounts doubling for every future fault. It even appointed a councillor and a bailie to attend the market every week to look out for such vices, and to visit all houses in the burgh where they suspected there was excess drinking.<sup>127</sup>

Despite the generally good relations between the two sides, there must have been a certain amount of hostility towards the invading English army. In the Hamilton kirk session records there was at least some evidence of latent hostility



towards the English. The kirk elders, when reporting that they had found swearing to be on the increase, gave two common examples with which the inhabitants abused each other and these were 'Barbadoes hoore' and 'English hoore'.<sup>128</sup> There was some evidence of individuals in the burghs who openly expressed dislike of the English. The kirk session of Burntisland censured a boatman, John Stobies, for 'abusing honest people in yr coming and goeing ower the water, caling ym puritans and yt he newer lyked anie of ym'.<sup>129</sup> In Dumbarton, a soldier's wife, Margaret Buchanan, was brought before the magistrates accused of 'lieing and miscalling the magistrates and counsell be caluminous speeches'. Her punishment was never recorded; it was delayed because she was due to go into labour, and there was no further mention of her.<sup>130</sup>

The major problem reported by the kirk session during the Interregnum was not, however, a result of hostility between the urban population and the soldiers. On the contrary, the burghs saw a huge increase in the number of cases of fornication. The rise after 1652 of this sin seems to be, on the face of it, due to the presence of a large army of occupation in close quarters with the urban population (see pp 227-255). Indeed, there is no doubt that English soldiers were responsible for a large part of the cases of fornication reported in the kirk session records, most sessions being keen to record if the man accused of the sin was English or not, but there was a large number of cases that, if not involving English men either civilians or soldiers, then must have been caused by Scotsmen.

The English military authorities were just as keen as the Scots in the town to keep close control over their soldiers and wanted to discourage relationships between soldiers and local women. As early as October 1651 the military command had

forbidden English soldiers in Leith and Edinburgh to marry Scotswomen, and in January 1652 they forbade the employment of barmaids and female servants in an attempt to cut down on moral sins and prostitution.<sup>131</sup> The vigilance of the urban authorities over these matters was therefore of great help to the army authorities as well.

The nature of the crime of fornication, however, meant that it was the urban and kirk authorities who were in the position to uncover these sins, mostly due to the birth of illegitimate children. It was difficult for the elders or burgh officials to seek out the fathers as most of the soldiers had left the burgh before the scandal was discovered. However, in order for the child to be baptised, in many cases the elders of the kirk would insist on the child's father confessing to his sin. In Burntisland, the session made an effort during the 1650s to chase up the English soldiers accused of fathering illegitimate children, in order that the offspring of the unfortunate liaison could be baptised. In a few cases, it received letters of confession from the soldiers, including one case in August 1659, when it received a letter from a William Stewart, a soldier in Edinburgh, declaring that his brother was responsible for fathering the child of a local woman. The elders were satisfied with this and the child was allowed baptism.<sup>132</sup> In another case, in October 1659, a woman was caught for the third time in fornication with an English soldier. The session thought her case so bad that it sent word for the man to send a letter or come before the session himself. Failing to receive a satisfactory reply, the kirk session appointed an elder to write to the captain of his troop to see if he could help it resolve the matter.<sup>133</sup> Another woman who had confessed that her child was the result of a liaison with an English sailor from

Newcastle was told that she herself was to try to find him before they would resolve her case.<sup>134</sup>

The military authorities were helpful in trying to chase up the perpetrators of these crimes, and the elders and councils would often forward the name of the father to the Marshall General of the army so that he could locate the soldier responsible. In Hamilton, the first case of a woman being accused of scandalous carriage with an Englishman was in June 1651.<sup>135</sup> In December, a woman who confessed to having 'lived lewdlie' with an English soldier at the time the last garrison was there, was told to go to her child's father now at Perth to check that he was not a married man, and then to return to get her child baptised.<sup>136</sup> If he were married the woman would be guilty of the more serious crime of adultery, and would be sent to the civilian courts for trial. The session asked her three times to find the father, but she still had not complied by May 1652. To try and resolve the issue the elders forbade all the other members of the parish to speak to her until she carried out their orders.<sup>137</sup> As with any case of fornication, it was the woman who was more severely punished and many young women in the burghs found themselves with illegitimate children and no idea as to the whereabouts of the father. This had long term effects for the burgh authorities as the number of young women left with illegitimate children, increased the burden on the burghs, if they fell into poverty.

This vigilance and determination of the kirk and burgh to deal with these matters could only improve the relationship between the burgh and military leadership. The burghs were a hotbed for the sins quartered soldiers brought with them and the army found it could rely on the burgh officials, both secular and



religious, to be diligent in their role as the police force for all those matters which affected army discipline, including excess drinking, swearing and fornication.

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- <sup>1</sup> 'Desires of Edinburgh and other burghs', Portland MSS Nxx 103, C.S. Terry (ed.) *The Cromwellian Union* (SHS, 1902), 54.
  - <sup>2</sup> 'Desires of the Shire and Burgh of Bute', Portland MSS Nxx 93, Terry, (ed.) *The Cromwellian Union*, 70.
  - <sup>3</sup> NAS, B9/12/9, Burntisland Council Minutes 1646-1653, fo. 316.
  - <sup>4</sup> NAS, B9/12/9, Burntisland Council Minutes 1646-1653, fo. 322.
  - <sup>5</sup> NAS, B9/12/10, Burntisland Council Minutes 1652-1655, fo. 7b.
  - <sup>6</sup> NAS, B9/12/10, Burntisland Council Minutes 1652-1655, fo. 6b.
  - <sup>7</sup> NAS, B9/12/10, Burntisland Council Minutes 1652-1655, fo. 9b.
  - <sup>8</sup> NAS, B9/12/10, Burntisland Council Minutes 1652-1655, fo. 8a.
  - <sup>9</sup> NAS, 48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 459.
  - <sup>10</sup> NAS, 48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 576.
  - <sup>11</sup> NAS, 48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 582.
  - <sup>12</sup> NAS, 48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 605.
  - <sup>13</sup> NAS, B58/13/2, Peebles Council Minutes, 1652-1678, fo.9.
  - <sup>14</sup> NAS, B58/13/2, Peebles Council Minutes, 1652-1678, fo.19.
  - <sup>15</sup> NAS, B58/13/2, Peebles Council Minutes, 1652-1678, fo.19.
  - <sup>16</sup> NAS, B58/13/2, Peebles Council Minutes, 1652-1678, fo.19.
  - <sup>17</sup> B59/16/4, Register of Acts of the Town Council of Perth, 1652-1654.
  - <sup>18</sup> B59/16/4, Register of Acts of the Town Council of Perth, 1652-1654.
  - <sup>19</sup> B59/16/4, Register of Acts of the Town Council of Perth, 1652-1654.
  - <sup>20</sup> B59/16/4, Register of Acts of the Town Council of Perth, 1652-1654.

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- <sup>21</sup> B59/16/4, Register of Acts of the Town Council of Perth, 1652-1654.
  - <sup>22</sup> B59/16/4, Register of Acts of the Town Council of Perth, 1652-1654.
  - <sup>23</sup> B59/16/4, Register of Acts of the Town Council of Perth, 1652-1654.
  - <sup>24</sup> B59/16/4, 'Acts and documents of the counsell of Perth fra 13 September 1652 to the last of July 1654'.
  - <sup>25</sup> NAS, B9/12/10, Burntisland Council Minutes, 1652-1655, fo. 60b.
  - <sup>26</sup> NAS, B9/12/10, Burntisland Council Minutes, 1652-1655, fo. 60b.
  - <sup>27</sup> B6/18/2, Ayr Council Book, 1647-1669, fo. 83b
  - <sup>28</sup> B16/1/1/3, Dumbarton Council Minute Books, 1655-1673.
  - <sup>29</sup> B16/1/1/3, Dumbarton Council Minute Books, 1655-1673.
  - <sup>30</sup> B16/1/1/3, Dumbarton Council Minute Books, 1655-1673.
  - <sup>31</sup> *Glasgow Burgh Recs.*, ed. Marwick, 8.
  - <sup>32</sup> *ibid.*, 8.
  - <sup>33</sup> NAS, 48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 476.
  - <sup>34</sup> NAS, 48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 480.
  - <sup>35</sup> NAS, 48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 481.
  - <sup>36</sup> NAS, 48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 483.
  - <sup>37</sup> NAS, 48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 484.
  - <sup>38</sup> NAS, 48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 485.
  - <sup>39</sup> NAS, 48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 485.
  - <sup>40</sup> NAS, 48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 485-6.
  - <sup>41</sup> NAS, 48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 486.
  - <sup>42</sup> NAS, 48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 492.
  - <sup>43</sup> NAS, 48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 492
  - <sup>44</sup> NAS, 48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 498.
  - <sup>45</sup> NAS, 48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 498.

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- <sup>46</sup> NAS, 48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 499.
  - <sup>47</sup> NAS, 48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 500.
  - <sup>48</sup> NAS, 48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 501.
  - <sup>49</sup> NAS, 48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 502.
  - <sup>50</sup> NAS, 48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 505.
  - <sup>51</sup> NAS, 48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 485.
  - <sup>52</sup> NAS, 48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 522.
  - <sup>53</sup> NAS, 48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 505.
  - <sup>54</sup> NAS, 48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 522.
  - <sup>55</sup> NAS, 48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 540.
  - <sup>56</sup> NAS, 48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 548.
  - <sup>57</sup> NAS, 48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 593.
  - <sup>58</sup> NAS, 48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 730.
  - <sup>59</sup> NAS, B58/13/2, Peebles Council Minutes 1652-1678, fo. 40.
  - <sup>60</sup> NAS, B58/13/2, Peebles Council Minutes 1652-1678, fo. 41.
  - <sup>61</sup> *Extracts from the Records of the Convention of Royal Burghs of Scotland*, iii, ed. J.D. Marwick (SBRs, 1878), 366.
  - <sup>62</sup> NAS, B9/12/9, Burntisland Council Minutes, 1646-1653, fo. 382.
  - <sup>63</sup> NAS, B9/12/10, Burntisland Council Minutes, 1652-1655, fo. 12.
  - <sup>64</sup> NAS, B9/12/10, Burntisland Council Minutes, 1652-1655, fo. 90b.
  - <sup>65</sup> NAS, B9/12/10, Burntisland Council Minutes, 1652-1655, fo. 19b.
  - <sup>66</sup> NAS, B9/12/10, Burntisland Council Minutes, 1652-1655, fo. 93a.
  - <sup>67</sup> NAS, B9/12/10, Burntisland Council Minutes, 1652-1655, fo. 93a.
  - <sup>68</sup> NAS, B9/12/10, Burntisland Council Minutes, 1652-1655, fo. 95a.
  - <sup>69</sup> NAS, B9/12/10, Burntisland Council Minutes, 1652-1655, fo. 95b.
  - <sup>70</sup> NAS, B9/12/10, Burntisland Council Minutes, 1652-1655, fo. 95b.



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- <sup>71</sup> NAS, B9/12/10, Burntisland Council Minutes, 1652-1655, fo. 97b.
- <sup>72</sup> NAS, B9/12/10, Burntisland Council Minutes, 1652-1655, fo. 99a.
- <sup>73</sup> NAS, B9/12/10, Burntisland Council Minutes, 1652-1655, fo. 99a.
- <sup>74</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 10b.
- <sup>75</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 12b.
- <sup>76</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 12b.
- <sup>77</sup> NAS, B9/12/10, Burntisland Council Minutes, 1652-1655, fo. 100b.
- <sup>78</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 29b.
- <sup>79</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 29b.
- <sup>80</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo.36a.
- <sup>81</sup> B59/16/4, Register of Acts of the Town Council of Perth, 1652-1654
- <sup>82</sup> B59/16/4, Register of Acts of the Town Council of Perth, 1652-1654
- <sup>83</sup> B59/16/4 Register of Acts of the Town Council of Perth, 1652-1654.
- <sup>84</sup> B59/16/4, Register of Acts of the Town Council of Perth, 1652-1654
- <sup>85</sup> B59/16/4, Register of Acts of the Town Council of Perth, 1652-1654
- <sup>86</sup> C.H. Firth (ed.), *Scotland and the Protectorate* (SHS, 1899), 64.
- <sup>87</sup> *ibid.*, p., li.
- <sup>88</sup> *Burgh Convention Recs.*, 370.
- <sup>89</sup> *The Diary of Mr. John Lamont of Newton 1649-71*, ed. G. Kinloch (Maitland Club, 1830), 85.
- <sup>90</sup> *Burgh Convention Recs.*, 403.
- <sup>91</sup> NAS, 48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fos. 574,575
- <sup>92</sup> NAS, 48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 576.
- <sup>93</sup> B59/16/4, Register of Acts of the Town Council of Perth, 1652-1654.
- <sup>94</sup> B59/16/4, Register of Acts of the Town Council of Perth, 1652-1654.
- <sup>95</sup> B59/16/4, Register of Acts of the Town Council of Perth, 1652-1654.

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- <sup>96</sup> B59/16/4, Register of Acts of the Town Council of Perth, 1652-1654.
- <sup>97</sup> B59/16/4, Register of Acts of the Town Council of Perth, 1652-1654.
- <sup>98</sup> B59/16/4, Register of Acts of the Town Council of Perth, 1652-1654.
- <sup>99</sup> B59/16/5, Register of Acts of the Town Council of Perth, 1654-1658.
- <sup>100</sup> B59/16/5, Register of Acts of the Town Council of Perth, 1654-1658.
- <sup>101</sup> B16/1/1/3, Dumbarton Council Minute Books, 1655-1673.
- <sup>102</sup> B16/1/1/3, Dumbarton Council Minute Books, 1655-1673.
- <sup>103</sup> *Extracts from the Records of the Royal Burgh of Stirling, 1519-1666*, ed. R. Renwick (SBRS, 1893) 207-208.
- <sup>104</sup> *ibid.*, 215
- <sup>105</sup> *Burgh Convention Recs.*, 322.
- <sup>106</sup> B16/1/1/2, Dumbarton Council Minute Books, 1650-1655.
- <sup>107</sup> B16/1/1/2, Dumbarton Council Minute Books, 1650-1655.
- <sup>108</sup> NAS, B9/12/9, Burntisland Council Minutes, 1646-1653, fo. 329.
- <sup>109</sup> B59/16/4, Register of Acts of the Town Council of Perth, 1652-1654.
- <sup>110</sup> B59/16/4, Register of Acts of the Town Council of Perth, 1652-1654.
- <sup>111</sup> *Glasgow Burgh Recs.*, 267.
- <sup>112</sup> *ibid.*, 290.
- <sup>113</sup> *ibid.*, 290.
- <sup>114</sup> *ibid.*, 282.
- <sup>115</sup> *ibid.*, 271.
- <sup>116</sup> *ibid.*, 291.
- <sup>117</sup> *Stirling Recs.*, 215.
- <sup>118</sup> NAS, B9/12/9, Burntisland Council Minutes, 1646-1653, fo. 333.
- <sup>119</sup> B59/16/4, Register of Acts of the Town Council of Perth, 1652-1654.
- <sup>120</sup> NAS, B58/13/2, Peebles Council Minutes, 1652-1678, fo. 16.

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- <sup>121</sup> B16/1/1/3, Dumbarton Council Minute Books, 1655-1673.
- <sup>122</sup> NAS, B9/12/10, Burntisland Council Minutes, 1652-1655, fo. 135a
- <sup>123</sup> NAS, B9/12/10, Burntisland Council Minutes, 1652-1655, fo. 139a
- <sup>124</sup> NAS, B9/12/10, Burntisland Council Minutes, 1652-1655, fo. 139a.
- <sup>125</sup> B59/16/5, Register of Acts of the Town Council of Perth, 1654-1659.
- <sup>126</sup> NAS, B9/12/9, Burntisland Council Minutes, 1646-1653, fo. 366.
- <sup>127</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 427.
- <sup>128</sup> NAS, CH2/465/7, Old Hamilton Kirk Session Records, 1645-1661, fo. 84.
- <sup>129</sup> NAS, CH2/523/1, Burntisland Kirk Session Minute Book, 1650-1661, fo. 211b.
- <sup>130</sup> B16/1/1/3, Dumbarton Council Minute Books, 1655-1673.
- <sup>131</sup> 'Mercurius Scoticus', 16 Oct 1651, C.H. Firth (ed.), *Scotland and the Commonwealth* (SHS, 1895), 334.
- <sup>132</sup> NAS, CH2/523/1, Burntisland Kirk Session Minute Book, 1650-1661, fo. 212a.
- <sup>133</sup> NAS, CH2/523/1, Burntisland Kirk Session Minute Book, 1650-1661, fo. 212a.
- <sup>134</sup> NAS, CH2/523/1, Burntisland Kirk Session Minute Book, 1650-1661, fo. 214a.
- <sup>135</sup> NAS, CH2/465/7, Old Hamilton Kirk Session Records, 1645-1661, fo. 64.
- <sup>136</sup> NAS, CH2/465/7, Old Hamilton Kirk Session Records, 1645-1661, fo. 68.
- <sup>137</sup> NAS, CH2/465/7, Old Hamilton Kirk Session Records, 1645-1661, fo. 73.



## The Assessment

As has been shown, the military occupation of Scotland could not be sustained on the free quarter that had been used during 1650 and 1651. The military authorities were expected to finance as much of the occupation of the country as possible from internal measures.<sup>1</sup> As the army became more settled in its new occupation of the country, in 1651, they began to collect a tax known as the assessment, or cess, from the areas around the garrisons. For example in August 1651 the army started to collect cess from the presbytery of Kirkcaldy for the garrison at Burntisland.<sup>2</sup> Other garrisons began to get payments from their locality and they quickly settled into a routine. These collections were, however, fairly *ad hoc*, and were collected at a rate equivalent to two and a half times what the Scots had paid for the monthly maintenance of their own army in the period from 1649 to 1651, a sum around £9,000 sterling a month.<sup>3</sup> In December 1651, the assessment began to be more carefully organised by the army authorities, as they took off free quarter in preparation for the political settlement that was about to be offered to the Scottish people. A tax, however heavy, was by far a better way to collect the money, if the authorities were hoping to gain the co-operation of the Scottish people, than the dreaded free quarter. The English military authorities used the valuation rolls of 1649 to calculate the rate of assessment to be levied on the shires and burghs and, eventually, in January 1652, it was decided that a sum of £10,000 sterling was to be laid on the country as assessment.<sup>4</sup>

The English continued to levy the assessment along the same lines as had been set down in July 1649 (see Appendix B). Despite the devastation caused to some

burghs during the occupation, they continued to pay the same percentage of the burghs' total assessment bill as they had before the English invasion. It seems the English finance collectors did not attempt to fundamentally reassess the allocation of tax and individual burghs' ability to pay this percentage. They did, however, give some relief to the burghs through the abatements. For example, in 1653, Dundee was allocated 7% of the total assessment bill for the towns, the same percentage as it had been in July 1649, under the Kirk party regime. In 1653, however, the town was allowed an abatement for the full amount, due to the grievous damage it had suffered during the siege in 1651 (see Appendix B).

This rate of £10,000 sterling continued to be laid on the country during the period of the English occupation. However, by January 1653, the English authorities found they were only able to collect around £6,000 per month out of the £10,000, due to the increased poverty in the country.<sup>5</sup> In 1653, Lilburne, as commander in chief, entreated the committee of war in London not to charge the Scots any more than £8,500 a month as he feared they were unlikely to get more than that.<sup>6</sup> By 29 December 1653, Lilburne reported to Major General Lambert in London that the army in Scotland was more than two months in arrears with the cess.<sup>7</sup> Added to the general poverty of the country at the beginning of the English occupation, the military campaign in the north of 1653-5 further disrupted the collections as many areas were laid to waste. On 20 August 1654, Monck wrote to Lambert in London telling him that he only expected £6,000 to be collected for the cess as the country was so poor.<sup>8</sup>

This was not enough for the needs of the English authorities in Scotland. The heightened cost of the military occupation, and the building of the five new citadels

at Perth, Ayr, Inverlochy, Inverness and Leith along with other fortifications meant that they needed to keep up the rate of assessment being asked. It was, therefore imperative that they tried to raise as much of the £10,000 as they could. In December 1655, orders for raising £10,000 a month were reissued, and this time there were to be no reductions allowed.<sup>9</sup> These reductions had been given to the burghs and shires by the central authorities, if they had pleaded poverty. By removing these abatements, as they were known, it dramatically increased the financial demands on an already over stretched population.

It became increasingly clear to the English army leaders in Scotland that they were never going to be able to collect all the cess that was asked of them, and the most immediate problem for them was that the army never had enough money to pay its forces in Scotland. They needed to find the money to pay the soldiers if the army was to maintain the good discipline that was an integral part of the conciliatory policy in Scotland. In January 1653, Lilburne complained to Major General Lambert that the soldiers were three months in arrears and that foot soldiers had only three shillings four pence to live on a week.<sup>10</sup> By March 1654, the companies of foot were eighteen weeks in arrears and that same month Monck wrote to Cromwell in London to tell him that his forces were short even of clothes and shoes.<sup>11</sup> Indeed, Monck voiced his worries to Cromwell over the financial crisis in March 1655, that he feared if they continued to fall short of money for the army pay the soldiers would be forced to go into free quarter. He was concerned that this, together with the heavy rate of cess the Scots were expected to pay, would 'be a meanes to put them [the Scots] into a flame if they have an opportunity'.<sup>12</sup>



The English authorities in Scotland were not insensible of the hardship of the Scottish people, as well as that of their own soldiers. In particular they seemed aware that the burghs were especially heavily burdened, and that the poverty in the towns was manifold. Monck complained to Cromwell in a letter dated 3 October 1654 that,

the country is soe poore and wasted that I found it very difficult these last moneths to laie on 100 li per mensem more, and if the whole 10000li should be laid on it must come from the Burroughes, whoe are soe impoverished through want of trade, and the late troubles, that it will quite breake them, and they are generally the most faithfull to us of any people in this Nacion'.<sup>13</sup>

Again, in that month, he wrote to the committee for the army in London and told it that both the Highlands and the burghs were unable to pay any cess, and that he was daily petitioned by their representatives for abatements due to their poverty. Many, he reported, were being forced to sell their household goods in order to pay the cess demanded of them.<sup>14</sup> When the new orders were given in 1655 that £10,000 was to be raised Monck wrote to Cromwell again to argue the case for the poverty of the burghs. He argued that if they were forced to ask for such a sum from the towns then the army would be forced to take the inhabitants' household goods as he was sure they could not find any other way to pay it.<sup>15</sup> Such actions would have gone against the conciliatory policy that the English had been previously committed to.

The strain of the collection of the cess and other dues to the council was enormous on the people of the towns. Although Nicoll lived in Edinburgh, where the financial demands were, arguably, the greatest, the list he recorded in his diary of expenses that the inhabitants of the city were expected to pay for regularly, mirrored

what payments were expected to be made by the inhabitants in other burghs. In 1653 Nicoll listed payments for cess, contributions for the burgh of Glasgow after their fire of 1652, the ministers' stipends, an annuity tax on house rents, contribution towards soldiers imprisoned in England, repairing and rebuilding of two churches demolished by the English, a new imposition on baptism and marriage, fees for the beadles of the church, ordinary monthly contribution to the poor, extra poor relief, weekly contribution of the coal and candle for the main guard, furnishing of soldiers with beds, bed clothes, coal and candle within the houses, lanterns and candles for the whole winter for the streets, and the expenses for passes for those who went abroad.<sup>16</sup> It was no wonder that many of the people were forced to sell their clothes and their household goods as poverty increased. It had become so commonplace that there was a bell rung daily in Edinburgh to let people know of this 'frequent roping'.<sup>17</sup> With so many financial demands, and the increased poverty of the people, it is a testament to the civic authorities' organisation that the assessment was paid at all.

The burgh councils themselves were concerned about the amount of assessment they had to pay from the beginning of 1652. In the 'Desires' that were presented to the commissioners of parliament in 1652, it was clear that the cess was one of their chief concerns. Dysart in its petition was concerned solely with the matter of finance, and they asked that they be free of cess for at least the immediate future, otherwise they declared 'Dysert will turne an Desert'.<sup>18</sup> In general, it was towns who found themselves with incumbent garrisons that were chiefly worried about the assessment. Stirling wanted a lessening of the amount of cess and they gave examples of their sufferings which included the 'destroying of the whole cornes

about that burghe when g[e]n[er]all Monk was thair'<sup>19</sup>. There were other calls for reduction in the cess from the burghs of St. Andrews, Selkirk, Edinburgh, Aberdeen, Wigtown, Arbroath, Perth, Dundee, Banff, Montrose, Jedburgh, Brechin and Forfar, all of which claimed that the total loss of trade from the taking of the ships and their stock during the invasion had left them all nearly destitute.<sup>20</sup> St. Andrews was so keen to receive any reduction in its cess that it presented its own separate 'Desires', in which it noted that its trade and shipping had been destroyed completely, and the town had the further financial burden of having 'an whole Troope of horse wth their Compleit officers lyinge on them'.<sup>21</sup> However, despite the wishes of the burghs, expressed in their 'Desires', the amount the Scottish people were forced to pay in assessment throughout the occupation of the country remained extremely high, and it was the burghs' response to such increased financial demands that is to be examined in this chapter.

It was clear that the burghs found the burden of the cess payments troublesome. The amount of cess had to be taken in conjunction with the heavy burdens also laid on the burghs, due to the other demands that the occupying force brought. Indeed, if the cess was not paid, the free quarter of the soldiers, that Monck had felt would be inevitable, would have lain heaviest on the population of the burghs. It was, therefore, in the burgh councils' interests that they should collect as much of the cess as was possible. The burgh authorities knew all too well the danger of free quarter, having had to suffer it in 1650 and early 1651, and they may well have been aware that if they failed to collect enough money to pay for the occupation through the cess, it could be forced on them again.



The demands of the cess from the central authorities in Edinburgh provided the major contact between the burghs and the English government in Edinburgh. The heavy rate of assessment meant that the burghs continually sent representatives to petition the authorities in Dalkeith and Edinburgh for relief from at least some of the cess. In some instances they were successful, such as the case of Linlithgow, which petitioned the Council of State in January 1656 when it found its cess was at the same rate as it had been before. The burgh now had more troops quartered on it, and it was more heavily burdened.<sup>22</sup> The Linlithgow council managed to procure £4 sterling off, leaving £23 sterling a month to be paid.<sup>23</sup> Its petitions to the English authorities over the cess were frequent. In March 1657, the provost of Linlithgow rode to Dalkeith, personally, to represent the condition of the town to the Council of State and 'the hard condition our poore towne is reductit unto our trad of Marchandice qlk was our subsistance being decayed, to befriend us for mitigation of our asses and to use and advyse any ordinarie meanes and way for easing of our asses'.<sup>24</sup> Again, in April 1657, the town received further abatement of the cess for the next six months, at the same rate as previously. Representatives were sent again in June 1657,<sup>25</sup> and again in August 1657, but on both occasions they failed to get any rebate.<sup>26</sup>

As early as February 1652 the burgh of Burntisland was finding it impossible to pay its cess. The council wrote to Thomas Glover, the collector for Fife, on 2 February 1652 asking him what the town's proportion of the cess was to be for that period. When it learnt that it was to be £16.10.0 sterling, to be paid before 16 February, it was forced to send Patrick Angus and Jon Brown, two members of the council, to Edinburgh to see Major General Lambert to ask for exemption and to

'declare or continewall burdens'.<sup>27</sup> On this occasion they were successful, and Patrick Angus reported to the council on 21 February 1652 that he had gained exemptions from Lambert for the month of February.<sup>28</sup>

Not all the petitions were successful, and any abatements were certainly not granted by the English authorities permanently. This meant that the burghs were forced to keep sending representatives to Edinburgh to, firstly the commander in chief, and, after 1655, to the Scottish Council of State, to crave new rebates. These were in addition to the visits they made to petition the same authorities for help with their coal and candle money. David Seaton, who acted as Burntisland's representative on visits to the English in Edinburgh, reported to a council meeting on 27 February 1654 that he had managed to get their cess reduced from £16.10.0 sterling, a month, to £12.<sup>29</sup> This was a very small victory, as he had merely succeeded in reducing the cess to the amount the burgh had been paying after the rebate it had gained the year before.<sup>30</sup> The burghs, therefore, had to keep ever vigilant, for without the effort to go to Edinburgh to claim a rebate from the English authorities, they were likely to find the amount they were required to pay continued to rise. The visits were time-consuming for the representatives involved, and another drain on the finances of the burghs that had to pay any expenses incurred in the trip.

Unexpectedly, despite the fact that there was increased poverty in the towns, and the burgh authorities found it difficult to raise the taxes required by the government, most of the burghs managed to keep up to date with their cess collections. The collectors in Peebles managed to do so right up until 1659, when the council records were interrupted.<sup>31</sup> Peebles was not unusual, and Linlithgow, Burntisland, Dumbarton, Pittenweem, Haddington, Ayr, Perth and Elgin all seem to

have managed to keep their cess payments, for the most part, up to date. Although the economy was in a poor state, and the burdens of quartering, coal and candle, and other financial hardships lay so heavily on the burghs, it was quite remarkable that the burgh authorities managed to keep on top of their cess payments throughout the decade. If there was a delay in producing the cess, it was usually a matter of days rather than weeks and, if any delay was needed the burgh authorities would ask for permission from the appointed collector for a short delay. In Burntisland, on 24 February 1655, the treasurer asked the army collector for a delay of eight days, which was duly granted.<sup>32</sup> These delays, however, were not always allowed, on 20 October 1655, David Seaton and Jon Moncrieff from Burntisland had to report to the council that they were unable to get a delay for the cess for September and October and that it was due the next week.<sup>33</sup>

Pittenweem was also able to keep up with the cess payments that were levied on it, although it too had problems with the collector of Fife. In September 1653 the council tried to make payment for cess owed to 1 August 1653, as requested by the collector. However, to its dismay, he refused to accept the money it had collected for July, as the

abatement of thrie pound per mensem was recalled by the comander in cheiffe, Whairupone the baillies and the counsell electit Walter Airth baillie furth wt to repair to dalkeith to the comander in cheiffe with ane supplicatiune creaving the continuance of the sd abatement In regard of the great decay of treade wtin yis burgh<sup>34</sup>.

Airth reported back to a council meeting of 8 October 1653 that he had only been able to get twenty shillings off the cess for each month for July to October of that



year. So the council had to add forty shillings to the stent, resulting in a monthly collection of £9 sterling.<sup>35</sup>

Finding itself still financially destitute, the council in Pittenweem resorted to sending Thomas Swenton and Walter Airth, two council members, to Cupar to see the army collector and the English officers there to get recommendations from them of the town's poverty and its inability to pay its cess. These were then to be taken, as further proof of their destitution, to the commander in chief.<sup>36</sup> To improve the burgh's 'sad condition', Airth was also sent to the meeting of the burghs of Fife to discuss what steps could be taken collectively to help ease all the burghs' heavy financial burdens.<sup>37</sup>

The English authorities were not always so hard on the burghs, and in times of dire financial hardship they could be fairly lenient. In January 1656, Burntisland managed to procure three months' exemption from the cess granted by Major General Deane, because of the substantial damage that had been sustained by its harbour, due to severe storms that winter.<sup>38</sup> However, what was given with one hand was taken away with the other and Burntisland's allowance for the guard fires was taken off for January and February of that year. Its normal cess payments were reinstated later in that year, and the burgh continued to send David Seaton, on a regular basis, to the capital to ask for rebates, and to plead the case for the town's 'weakines and inabilitie to bear burden' in front of the Council of State.<sup>39</sup>

It was typical for all burghs to go to the authorities in Edinburgh to state their grievances in order to try to get any reductions in their cess payments. The council of Perth, which was more preoccupied with the quartering and coal and candle in the burgh than the cess, sent a representative to petition General Monck, on 9 October

1654, for ease of its cess. Perth needed a rebate, as in the proportioning of the cess laid out in 1653 (see Appendix B), Perth was the fifth highest payer of all the burghs, with a sum of £60 sterling per month.<sup>40</sup> The town was in a bad way financially, due to the amount of quartering and other payments that it had incurred due to the army presence. This was recognised by Monck and the Council of State, as in September 1655 they had allowed Perth a rebate that meant the burgh was paying only £30 sterling a month for cess.<sup>41</sup> The Perth councillors kept trying to gain further rebates of its cess, and in April 1658 the provost himself rode to Edinburgh to solicit Monck for still further reductions in the amount of cess owed by them.<sup>42</sup>

It was easier for burghs close to the English authorities in Edinburgh to ride to the capital to try to ease the financial pressure on them. For those burghs outwith the central belt such a journey was more expensive and, indeed, it seems that these burghs were less likely to go to the authorities in Edinburgh to ask for rebates. It was possible to send letters, but this may not have been as effective as the methods used by a burgh such as Burntisland, which was able to send a representative over to Edinburgh whenever it wished to plead in person, which it did on a regular basis. There is only one mention in the Dumbarton council minutes of a petition being sent to the authorities in Edinburgh over a financial matter, and this was a petition for the payment of coal and candle, which it sent to General Monck in October 1654.<sup>43</sup> The Peebles council only sent one petition to the commander in chief, in August 1653; this was typical of many of the other burghs' petitions, putting forward the case for the poverty of the burgh before asking for a rebate in their cess.<sup>44</sup>

Similarly, the burgh council of Ayr had little personal contact with the authorities in Edinburgh. Only one visit of a burgh representative to Edinburgh, was

recorded in the council minutes. This was in June 1658, when Jon Fergusson, one of the bailies, was sent with

thair humbill addris To the richt honorubill his hienes counsall of estait in Scotland and thair by supplicatione with advyce of the tounes agent and advocatt to represent to thair honor the distressed conditione and burthein of this burgh....and to qualefie the same By such wryttis and paperis as they have with thame and everie uther maner of way. To use their best endeavour that may best conduce to obtean exoneratione at least mitigations of that money which thair is leid upoune this burgh.<sup>45</sup>

The burgh did have an agent in Edinburgh who looked after its affairs, and he was able to keep them informed of any matters concerning them in the capital, but it appears he was not used to petition the authorities when it came to financial matters.<sup>46</sup> Dumbarton, too, employed an agent in Edinburgh, in December 1657, but this was over the more serious issue of the dispute between itself and the council of Glasgow concerning the customs of the Clyde, and there is no evidence to show that the agent was used to represent the town's interests in more mundane matters.<sup>47</sup>

The burghs found it increasingly difficult to pay the cess as the decade wore on and some were forced to take new measures to increase the payments in their burghs. In Linlithgow, at a council meeting in March 1659, it was forced to announce that all those burgesses who were living away from the burgh were to pay the cess and other taxes they owed to the burgh, otherwise their burgess tickets would be taken away from them.<sup>48</sup> The abatements given to the localities by the English authorities were therefore a necessity. However, even if the burghs did get the abatements they petitioned for, the amount they saved was usually used for yet another financial



demand. In 1657, the Council of State in England announced that the cost of the war with Spain was to be proportioned on the country. £15,000 sterling was to be raised and of this £6,000 was to be raised by monthly cess over three years in Scotland.<sup>49</sup> This amount was divided up amongst the shires and the burghs and was to be paid over and above the regular assessment. In September 1657, the council of Peebles found that their share was to be £12.9.9 sterling. In order to pay this, it had to use the £12 sterling it had received as a rebate for its cess, and the town treasurer advanced it nine shillings and nine pence for the remainder.<sup>50</sup> Burntisland's share of this extra cost was £9.3.2 sterling to be paid monthly, and it, like the council of Pittenweem, added it to its cess for three months, and altered the stent roll to accommodate the extra amount.<sup>51</sup>

In some cases, the burghs were more organised when it came to financial matters than the English collectors were. In May 1655, the Burntisland council was dismayed to receive a letter from Thomas Glover asking it for twenty shillings for every month's cess paid from November of 1654, due to an error he had made. He had mistaken Burntisland's abatement for that of another burgh, and the Burntisland authorities discovered that they had not paid enough cess over this period.<sup>52</sup> The council was dismayed that it was to pay for the shortfall, and it sent David Seaton to Monck in Edinburgh to ask for redress. The burgh petitioned that, as the mistake had not been of its making, it was, therefore, reluctant to pay for it, and it also asked that the twenty shillings rebate that it had been allowed previously would be continued.<sup>53</sup> However, Monck refused them the twenty shillings, but advised David Seaton to come back at the end of June to see if they could grant it then. Seaton did not return to Edinburgh until the end of July to enquire about the twenty shillings, and was told

this time that he had arrived too late, and that the rebates for the burghs had already been given for July and August of that year. He was informed that 'the fitting tyme to supplicate nixt were the end of august nixt for yt purpose', and he had to leave empty-handed.<sup>54</sup> This example showed how vigilant the burgh authorities had to be if they wanted to continue receiving reductions on their payments.

The burghs did not confine their endeavours to get reductions in their cess to petitions alone, and they also attempted to enlist the help of their MPs (see p 289). They also had the further help of the Convention of Royal Burghs, who petitioned the authorities in London on their behalf to try to reduce the cess.<sup>55</sup> The work of the Convention helped the smaller, poorer burghs which could not afford to send representatives to the English authorities; for example, Sanquhar complained to the Convention in July 1654 that they were rated 'at ane third pairt moir in thair assessments', than they had been previously.<sup>56</sup> The Convention agreed to help on the town's behalf, and it ordered two of their members to go to Mr. Biltoun, the treasurer of the English army, and speak to him about the matter for Sanquhar.<sup>57</sup> It also petitioned the authorities in London on behalf of all the burghs in an attempt to gain some rebate in the amount of cess paid by the burghs. In particular they asked, in a letter to London, dated November 1654, that the cess be removed altogether, for a certain time, from those burghs which were under quarter, as they were in such a miserable condition.<sup>58</sup> The Convention also tried to reduce the amount of financial pressure on the burghs by asking the Scottish members of parliament, in March 1659, to remedy the heavy prejudice the burghs suffered by removing some of their cess and putting it on the shires, as the burghs carried the heaviest burden of the quartering.<sup>59</sup>

In August 1656 the Convention decided that the burghs would try to get a sixth of the present assessment taken off. It made a list of their reasons for the miserable condition of the towns saying that

thair whole schippis being takin by sea, quhairin the greatest pairt of thair stockis wer, being the mean of thair tredding for which they payed so considerabl ane burding, and thair estaitis at home distroyed be the warres, and wtherwaies exhaustit be extraordinar burdings, and thair tread and traffique almost whollie lost, and the maist pairt of thair herberies demolished by the violence of the lait storme and want of meanes to wphold the samyn.<sup>60</sup>

The Convention also began to argue in March 1659 that the cess should be lessened in Scotland because of the inequity between the amount paid there and the amount paid by those in England.<sup>61</sup>

It continued to complain about this inequity right up until the end of the regime and, in a letter to Monck in January 1660, it expressed its wish not only for the assessment to be proportional to that of England but also the excise and customs as well. In addition, it also wanted to see quartering regulated in Scotland as it was in England.<sup>62</sup> These were perhaps signs that by the end of the decade the burghs had begun to see themselves in the wider context of the Union rather than concentrating solely on the condition of Scotland alone.

The English were aware, as Monck showed in his letters to the Protector, that the financial demands were crippling for the burghs, but there was little success on the part of any of the groups who attempted to get the cess reduced. The amount collected did not cover the cost of the military occupation in Scotland, despite the fall



in the number of troops from 1655 onwards. In 1653 there had been 12,000 foot soldiers and 2,000 horse in Scotland. After 1655, and the moves towards a more civilian based government, the army began to cut back on the number of troops, and in 1657 they cut back further by reducing the numbers of soldiers in each company.<sup>63</sup> In 1653 a company of foot had consisted of 100 soldiers; by July 1657 it was down to 80 and, by December of that year, it was down again to 74. Likewise, a troop of horse in 1653 had consisted of 50 troopers, in 1657 it was cut back to 48; a company of dragoons in 1653 had 60 men, in 1657 it only contained 48.<sup>64</sup> This succeeded in cutting the overall pay bill of the soldiers from £36,000 in June 1654 to £21,000 at the end of 1657<sup>65</sup>. Despite this, the English military authorities found the cost of the occupation still rising, particularly with the cost of the building and upkeep of the five citadels they had established. Payment of the soldiers was usually in arrears, and the first thing to suffer when finances were tight, so reducing the number of troops took little pressure off the English finances. As the financial pressure mounted on the English so in turn it mounted on the Scottish population. In addition to the military operations, there was also the extra cost of the expansion of the English civilian government in Scotland, after 1655.

The success of the English in achieving regular payments from the burghs, even with the rebates, must have been partially due to the ever-present threat of the army. The close quarters in which the burgh inhabitants were forced to live with the army, meant that the threat of force was omnipresent. It was, however, only occasionally that the army threatened the burghs, usually never with direct force but, with the threat of more quartering, if they did not collect the money required. Even this was very rarely used and there is no evidence that the military authorities

actually ever carried out such actions in the burghs. On 3 January 1654 the council of Linlithgow was warned by the bailies that it was 'advertised by the garisone of the castel to have in redines and pay to him our bygane two monethes asses.... Under the pain of quartering'. The council had to gather the cess the next day from the inhabitants, although it was reluctant to do so at first, as it wished to draw up a new stent roll before any further collections. However, with the threat of free quartering hanging over the burgh, it agreed to collect the money according to the old roll.<sup>66</sup> This threat of quartering spurred the council into action, and it sent two of its number to Dalkeith on 7 January 1654 to petition the commander in chief for some reduction in their rate of assessment, and also for help to pay the coal and candle, as the burgh authorities found themselves unable to keep up with the heavy financial impositions.<sup>67</sup>

The threat of quartering was more an implied one than a reality and Linlithgow's experience was unusual. In Peebles, the council feared that it would be subjected to further quartering by the army if it did not pay its cess, and so it used the threat of quartering itself. In September 1653, the council got notice from the army collector that the burgh's assessment had increased by £24 a month and, therefore, the council ordained that the sum was to be collected from the inhabitants 'with certificatioun to them that failyeas, trooperes wil be quartered upon them'.<sup>68</sup>

Along with the ever-present threat of the army the other reason that the burghs managed to collect all the cess required of them was their effective organisation of collections in their towns. From the time of their first return to power, the burgh councils were keen to regulate carefully the collection of money in the burghs. Indeed this control and regulation of burgh finances and collections may have been,

for the English government, one of the attractive elements of having established councillors return to power in the burghs. In Glasgow the men who had signed the Tender of Incorporation, and who had complied with the English and replaced the previous council, illustrated how important experience was in the part of urban government. In the 'Desires' of Glasgow, which they presented to the commissioners of parliament on 13 March 1652, the new council asked if the commissioners would force the old officials to show the new councillors how the money was 'disbursed and what is received whereby the said burgh may bee better enabled to pay their sess'.<sup>69</sup>

This regulation by the urban authorities of the collection of money was evident throughout the country. In Elgin, in April 1652, once the political settlement had begun to be put in place, the council called a meeting of all the collectors of cess in the burgh to take account of how much had been paid and to better organise the collection in the town.<sup>70</sup> In Burntisland as soon as their representative had agreed to the Tender of Incorporation, and the neighbours of the burgh had approved of his actions, the council began to organise their financial matters. The council ordered the treasurer to make an audit of the town's debts so they could be sure what its financial position was.<sup>71</sup> It also decided that it was time to review the stent roll to make allowances for the great changes that had taken place in the burgh, and in December 1652 a new stent roll was drawn up and put into use by the collectors of the town.<sup>72</sup> The collection of the cess along with the coal and candle money and the quartering allowances took up a great deal of the all the burgh councils' time, especially in the first few years of the new regime. The burghs were constantly reviewing their finances, arranging collections in the town, and, in the case of Burntisland, making



journeys to see the collector of finance for Fife, to calculate what was owed to them, and by them, for quartering, rebate of cess and money granted for coal and candle.<sup>73</sup> All these factors were to be taken into consideration before the treasurer could calculate out how much the burgh authorities had to collect from the town. It was a tricky balance that required constant review as the quartering changed, and rebates were given and taken off by the army authorities.

The cess was only a part of the financial worries of the councils, particularly in places where there were great numbers of soldiers in a town. The council in Burntisland reported that it was not able to balance the payment of cess and quartering for August 1653 as the cost of quartering was 'so far above the asses'.<sup>74</sup> Indeed, it appears from all the burgh records, that where there were soldiers present in the burgh, although the cess was a major consideration, and meant much work for the council in modifying the stent rolls, and carrying out collections, the major problems were the cost of quartering and the provision of coal and candle money. All of these things were more immediately pressing on the town authorities as they had to be well organised to keep their own inhabitants from falling into complete financial ruin, and to keep good relations in the burgh between the inhabitants and the soldiers. In Burntisland the payments for all the financial demands were well balanced by the council; it noted that 'in regard yr ar some people in the town able and lyable to pay asses and have not accomodatioun for qrterings Ordainis such to asses these that have qrterings be way of advancement as sall amount to yr proportion'.<sup>75</sup>

The burgh authorities attempted to keep on top of the problem of the collection of the cess throughout the Cromwellian period and the councils were always looking

into ways it could be better collected in their burghs with the minimum of fuss. The Linlithgow council, in March 1657, decided to collect the money for the cess before it was asked for it by the English authorities, as it knew it would be a 'heavy pressing burden upon the burgh in paying at one collection 4 months cess, having received no orders for the same', therefore, it agreed to collect the sum gradually based on the amounts the town had paid in January of that year. Such forward-planning undoubtedly made it easier to collect the money. It was also easier on the inhabitants if they did not have to pay a vast amount every four months.

The gathering of the cess in the burghs was done according to the stent rolls which were constantly being updated and revised by the councils in order to ensure that the money was proportioned fairly on the inhabitants, and to help them gather the amount with the least level of difficulty. Most of the burghs appointed assessors who went through the burgh and worked out how much everyone should be liable for, taking into account their condition and what quartering they had at that time or in the past. This took much of the pressure off the council officials and especially the bailies whose workload was already heavy.

Despite most aspects of burgh life being universally regulated by the statutes laid down by the Convention of Royal Burghs, there was no set way ordered by the English for the assessing of the inhabitants for the cess. In August 1657, a meeting of the burghs of Fife revealed that there were arguments amongst the burghs as to whether it should be organised by assessors appointed by the council or whether it should be done by the council themselves, as it had been in the past. The matter was turned over to their MP to see if he could find out what way the English authorities thought was best.<sup>76</sup> This was unusual as the collecting of money within the burgh

was part of the internal affairs of the burghs, their rights which they guarded so jealously; however, as the matter had to do with the assessment levied on them by the English, they awaited qualification on the matter from this source and obviously regarded it as a matter outwith their own jurisdiction. No answer from the English was recorded and it is unlikely that the English wished to involve themselves, at this stage, in the internal financial affairs of the burghs. The English leaders were happy to let the burghs continue with their effective collection of the assessment, without any real interference. The English willingness to retain traditional burgh government proved to be successful for them, at least in this financial area.

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- <sup>1</sup> M. P. Ashley, *Financial and Commercial Policy in the Cromwellian Protectorate* (Oxford, 1934), 91.
  - <sup>2</sup> Dow, *Cromwellian Scotland*, 24
  - <sup>3</sup> Dow, *Cromwellian Scotland*, 24
  - <sup>4</sup> Dow, *Cromwellian Scotland*, 26.
  - <sup>5</sup> 'Monck to Lambert', Clarke MSS 1.55, C. H. Firth (ed.), *Scotland and the Protectorate* (SHS, 1899), 157.
  - <sup>6</sup> 'Lilburne to the Committee of the Army', Clarke MSS lxxxvi 132, C. H. Firth (ed.), *Scotland and the Commonwealth* (SHS, 1895), 27.
  - <sup>7</sup> 'Lilburne to Lambert', Clarke MSS lxxxvi 152, Firth (ed.), *Scotland and the Commonwealth*, 307.
  - <sup>8</sup> 'Monck to Lambert', Clarke MSS 1.57, Firth (ed.), *Scotland and the Protectorate*, 57.
  - <sup>9</sup> Dow, *Cromwellian Scotland*, 172.
  - <sup>10</sup> Firth (ed.), *Scotland and the Protectorate*, 22.
  - <sup>11</sup> Firth (ed.), *Scotland and the Protectorate*, 193.



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- <sup>12</sup> Clarke MSS 1.99, Firth (ed.) *Scotland and the Protectorate*, 253.
  - <sup>13</sup> 'Monck to Cromwell', Clarke MSS 1.77, Firth (ed.) *Scotland and the Protectorate*, 95.
  - <sup>14</sup> Clarke MSS 1.81, Firth (ed.), *Scotland and the Protectorate*, 202.
  - <sup>15</sup> Clarke MSS 1.102, Firth (ed.), *Scotland and the Protectorate*, 253.
  - <sup>16</sup> *A Diary of Public Transactions*, 109.
  - <sup>17</sup> *ibid.*, 207.
  - <sup>18</sup> 'Desires of Dysart', Portland MSS. Nxx,142, Terry (ed.), *The Cromwellian Union*, 125
  - <sup>19</sup> 'Desires of Stirling', Portland MSS Nxx.94, Terry (ed.), *The Cromwellian Union*, 79.
  - <sup>20</sup> 'Desires of Edinburgh and other burghs', Portland MSS Nxx.103, Terry (ed.), *The Cromwellian Union*, 54.
  - <sup>21</sup> 'Desires of St. Andrews', Portland MSS Nxx.139, Terry (ed.), *The Cromwellian Union*, 111.
  - <sup>22</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 581.
  - <sup>23</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 582.
  - <sup>24</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 536.
  - <sup>25</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 538.
  - <sup>26</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 548.
  - <sup>27</sup> NAS, B9/12/9, Burntisland Council Minutes, 1646-1653, fo. 325.
  - <sup>28</sup> NAS, B9/12/9, Burntisland Council Minutes, 1646-1653, fo. 327.
  - <sup>29</sup> NAS, B9/12/10, Burntisland Council Minutes, 1652-1655, fo. 62b.
  - <sup>30</sup> NAS, B9/12/9, Burntisland Council Minutes, 1646-1653, fo. 63a.
  - <sup>31</sup> NAS, B58/13/2, Peebles Council Minutes, 1652-1678, fo. 41.
  - <sup>32</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 2a.
  - <sup>33</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 18b.
  - <sup>34</sup> B60/6/1, Pittenweem Council Minutes, 1629-1727.

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- <sup>35</sup> B60/6/1, Pittenweem Council Minutes, 1629-1727.
- <sup>36</sup> B60/6/1, Pittenweem Council Minutes, 1629-1727.
- <sup>37</sup> B60/6/1, Pittenweem Council Minutes, 1629-1727.
- <sup>38</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 29a.
- <sup>39</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 29b.
- <sup>40</sup> Clarke MSS xliii.13, Firth (ed.), *Scotland and the Commonwealth*, 173.
- <sup>41</sup> B59/16/5, Register of Acts of Town Council of Perth, 1654-1658.
- <sup>42</sup> B59/16/5, Register of Acts of Town Council of Perth, 1654-1658.
- <sup>43</sup> B16/1/1/2, Dumbarton Council Minute Book, 1650-1655.
- <sup>44</sup> NAS, B58/13/2, Peebles Council Minutes, 1652-1678, fo. 17.
- <sup>45</sup> B6/18/2, Ayr Council book, 1647-1669, fo. 140b.
- <sup>46</sup> B6/18/2, Ayr Council book, 1647-1669, fo. 140b.
- <sup>47</sup> B16/1/1/3, Dumbarton Council Minute Book, 1655-1660.
- <sup>48</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 733.
- <sup>49</sup> NAS, B58/13/2, Peebles Council Minutes, 1652-1678, fo. 39.
- <sup>50</sup> NAS, B58/13/2, Peebles Council Minutes, 1652-1678, fo. 39.
- <sup>51</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 7a.
- <sup>52</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 7b.
- <sup>53</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 8a.
- <sup>54</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 13a.
- <sup>55</sup> *Burgh Convention Recs.*, 428.
- <sup>56</sup> *ibid.*, 385.
- <sup>57</sup> *ibid.*, 385.
- <sup>58</sup> *ibid.*, 394.
- <sup>59</sup> *ibid.*, 482.
- <sup>60</sup> *ibid.*, 428.

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- <sup>61</sup> *ibid.*, 482.
- <sup>62</sup> *ibid.*, 482.
- <sup>63</sup> Firth, (ed.) *Scotland and the Protectorate*, p. lii.
- <sup>64</sup> *ibid.*, p. lii.
- <sup>65</sup> *ibid.*, p. liii.
- <sup>66</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 479.
- <sup>67</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 480.
- <sup>68</sup> NAS, B58/13/2, Peebles Council Minutes, 1652-1678, fo. 18.
- <sup>69</sup> 'Desires of Glasgow', Portland MSS Nxx.147, Terry (ed.) *The Cromwellian Union*, 117.
- <sup>70</sup> W. Cramond & S. Ree (eds.), *Records of Elgin 1234-1800*, i (New Spalding Club, 1913), 293.
- <sup>71</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 334.
- <sup>72</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 381.
- <sup>73</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 382.
- <sup>74</sup> NAS, B9/12/9, Burntisland Council Minutes, 1646-1653, fo. 36a.
- <sup>75</sup> NAS, B9/12/9, Burntisland Council Minutes, 1646-1653, fo. 60b.
- <sup>76</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 88b.



## Return to Normality

### Physical Repairs to the Burghs

The physical cost of war and the invasion of the English army was evident in the burghs through the amount of physical damage that had been sustained by the buildings and infrastructure of the towns. Even before the acceptance of the political settlement by the Scottish people in 1652, the stability brought by the occupation of the English army had given the burghs the opportunity to start to rebuild their towns. This was not just in the area of physical repairs, but also in the chance peace afforded the civic authorities to start to restore and revive traditional burgh government. From late 1651 there were signs that the burgh councils began to busy themselves with the task of returning their burghs to normality by assessing the damage done to the town and particularly public areas and buildings. Selkirk expressed in their 'Desires' of 1652, the hope that the wasted lands and buildings and in the burgh and the shire would be taken into account by the government when they were proportioning the cess, after 'iust tryall'.<sup>1</sup> However, the burghs soon found that any repairs would have to be financed by themselves without any amelioration in their taxes or direct financial help from the English authorities.

In Hamilton, the council acted early to make good damage done to the burgh's public buildings, and the treasurer's accounts for 1651 and 1652 show that the burgh officials undertook certain security measures to repair holes in the palace gate and fix the tolbooth door, where three new locks were added.<sup>2</sup> In March 1652, the Burntisland council expressed concern as to the condition of the schoolhouse in the burgh and appointed men to look into the repairing of it.<sup>3</sup> In Peebles the repair work

started on 8 January 1652 when the council ordered that the kirk be repaired as it was in a very sorry condition.<sup>4</sup> The physical deterioration of some of the public buildings seems to have been a result of a mixture of damage by an invading army, and neglect due to the burgh authorities not having been in a position to look after their upkeep following the disruption of the previous years.

In Peebles, it was not just repair of immediate damage that the council began to carry out; in March they took the opportunity, after the kirk had been repaired, to undertake some real improvements to it. They ordered that a dyke be built around the burial ground to keep the cattle out, as people had been letting their beasts stray, so they ordered the inhabitants to bring clay and stones for that effect.<sup>5</sup> The repair work ordered by the civic authorities continued unabated in Peebles throughout 1652 and 1653. In October 1652, the town's mills were repaired,<sup>6</sup> and in April 1653 the council ordered that the 'heid roumes' be repaired and parts of them rebuilt.<sup>7</sup> There were other significant improvements carried out in Peebles in 1653, including a bridge which was to be constructed over one of the local rivers, for which the townsfolk were to send horses to assist with the work. In August of that year the burgh authorities also suggested a bridge be built over the dam between the town and the mills.<sup>8</sup>

Peebles, as one of the smaller burghs, does not seem to have been too badly damaged by the English troops, in comparison to some of the other burghs. As the council was not constantly bothered with matters of quartering and other problems that the presence of the army entailed, it could afford to begin the repairs to the burgh immediately and to pay for improvements. As the decade progressed the council in Peebles authorised fewer and fewer repairs, perhaps because they had been all



carried out, but more probably because the financial burdens on the burghs continued to increase as the English occupation continued, and as the decade wore on there was less money to carry on with any programme of repair or improvement.

Other burghs found that vast amounts of damage that had been done to their buildings by the invading army, and the lack of any extra money in the council coffers meant that the programmes of repair were often painstakingly drawn out throughout the 1650s. Linlithgow perhaps provided us with one of the best examples of this. Large areas of the town had been destroyed by the English troops including the tolbooth, the hospital, the grammar school, the song school, the alms houses and some of the houses in the church gate and east of the tolbooth.<sup>9</sup> The rebuilding of the town began very slowly and the first sign of repairs being carried out was in 1655 when the council bought flagstones, in July, to mend the roads. However, in 1656 the council started in earnest to instigate a major repair programme for the burgh.

The council's problems lay mainly in the fact that it had no money to carry out any work on the town, as it was under excessive financial burdens, due to the payments for quartering, coal and candle money, and cess. Since the repairs to the burgh were on such an enormous scale, the council was forced to go to the English authorities to petition for financial help to rebuild the principal public buildings in the town. In February 1656 it began the task of getting help from the Council of State in Edinburgh to build a tolbooth, the old one having been demolished by the English army in 1650 and the stones used for the building of the garrison.<sup>10</sup> The council approached the Justice of the Peace of the shire, who was in Linlithgow, to help it petition the Council of State to get aid, as a proper jail in the town was as important to the courts of the shire as to the burgh. In its petition it stressed that, as the head



burgh of the county, it was imperative that it had these buildings rebuilt in order to conduct its business efficiently.<sup>11</sup> In April 1656, the council received a reply from the Council of State agreeing to let it rebuild the tolbooth, and offering it abatements on their next cess payment to pay for it. The town was given a £4 sterling rebate out of their £27 sterling monthly cess, to begin the building of the tolbooth.<sup>12</sup>

This sum does not seem to have satisfied the burgh authorities and, in April 1657, the Council of State in Edinburgh, after receiving a petition from the Linlithgow provost about the continued lack of a tolbooth in the town, appointed four men, including Colonel Lytcott, the English governor of the garrison, to make enquiries into what the council described as, the 'loss we have susteint in demolishing of our tolbuith and to rectifie thame thair of with all conveynent speid'.<sup>13</sup> The council assessed the damage, and calculated the charges for the rebuilding of the tolbooth to be £15,666.8.4 Scots. One of the bailies was sent to Lytcott to acquaint him of their estimate and report. The English commissioners agreed to examine the report and, if they found it satisfactory, they promised they would recommend it to the Council of State. The council, satisfied with this, decided that, for added good measure, they too would present their report to the Council of State.<sup>14</sup>

On 9 May, the provost and one of the bailies reported to the council that they had presented the estimate for the tolbooth to the Council of State, in Edinburgh, and that they had heard it had been already approved by Colonel Lytcott.<sup>15</sup> The Council of State offered the burgh £40 sterling to get the scheme under way and promised to pay it £800 sterling as soon as possible. The money was given on the proviso that it was to be used for rebuilding the tolbooth and for no other repairs.<sup>16</sup> The Council of State were willing to finance only this part of the scheme presumably as the presence

of a proper burgh jail was necessary for the better maintenance of order in the burgh and the better effectiveness of burgh justice.

It seemed that the affair was over and the Linlithgow council could start to rebuild its tolbooth; however, it was apparent by late 1657 that the council had not received the money promised by the Council of State.<sup>17</sup> The negotiations over the tolbooth dragged on for the next four years. In February 1659, the council received a letter from the Council of State in Edinburgh to say that they had sent a letter to the Lord Protector in London recommending that the money should be given to Linlithgow for their tolbooth. In order to help the matter along the council decided that a petition should be drawn up asking Richard Cromwell for his help with the matter.<sup>18</sup> Along with the petition it sent a letter to their newly elected MP, Mr. Thomas Waller, asking him for his aid in presenting this matter to the Lord Protector.<sup>19</sup> By November nothing had been done about the matter and the council sent further letters to London, trying desperately to get the money the Council of State had promised them.<sup>20</sup> In the end the town never received any money for the tolbooth, and the Restoration of the Monarchy prevented it from getting the compensation from the very people who caused the damage. The Linlithgow authorities were not content to leave it at this, and even after 1660 they continued to attempt to get help for the scheme from the government. In 1661, the council petitioned the privy council complaining that it had been

destitut of a prison house...ever since the year 1651 At which tyme not only was the prison house destroyed by the inglish usurpers Bot their toune and inhabitants were harazed and undone so that they are not as yet



in a capacity to rebuild any prison house by themselves without supply'.<sup>21</sup>

Linlithgow council had found it impossible to finance any major rebuilding work itself during the 1650s and that is why it had sought help from the Council of State. For other repairs to the burgh the burgh had had to rely on charitable contributions of the inhabitants, as it did in June 1658, when they had wanted to rebuild the fountain at the market cross.<sup>22</sup>

All the English authorities in Scotland, from the governor of the castle in Linlithgow to the Council of State in Edinburgh, had been willing to help the burgh rebuild its tolbooth, and the burgh council found them all extremely helpful and concerned about their case. They were unfortunate that matters in London did not move so quickly. There does not seem to have been any particular reason why the money was not forthcoming but, a time when the national finances were extremely stretched, the rebuilding of a tolbooth in a provincial town in Scotland was, perhaps, fairly low down on the government's list of priorities. Whatever the reason the Council of State in Scotland seemed to have had every intention of producing the money for the burgh, but the central authorities had found it difficult to keep on top of their own financial demands.

If the council had no money to spend on rebuilding the tolbooth, it did find some for repairs to the Kirk of St. Michael. Like many other burghs, Linlithgow's kirk was badly damaged in the occupation by the English troops, but unlike other burghs, the repairs to the church building did not begin until December 1656.<sup>23</sup> The reasons for the delay in repairs was, in part, due to the disagreement between the council and the kirk session, which will be explored more fully later, and partly due



to the fact that the army only vacated the church in 1655 after they used it to house their troops, horses and stores.<sup>24</sup> However, the council did begin work on the church eventually, as in December 1656, the council ordered that the kirk windows were to be repaired and new high glass windows were to be installed.<sup>25</sup> The work was undertaken at the same time as a wall was built to divide the church into two in order to separate the two different congregations. This was a measure which was ordered by the Council of State in Edinburgh to resolve an internal religious dispute between the Resolutioners and the Protesters of the parish.<sup>26</sup> Once the work was carried out, a dispute between the council and the gentlemen of the parish broke out over the payment for the work which was calculated, by the council, to be £379.3.0. The heritors of the out parish seemed rather reluctant to pay their share of the charge, and in answer to this reluctance the council drew up an account of the whole amount that they had expended on the church since 1644, including 'painting, mending and theiking' which they presented to the gentlemen of the parish, divided up accordingly.<sup>27</sup>

Not only were the burghs concerned with repairs to the buildings within the town boundaries, but there was also an effort made to start to re-establish the infrastructure of the country and to improve roads and bridges. Many of these had fallen into disrepair over the previous decade, or been damaged by the invading English army, and they were necessary for travel and, more importantly for the burghs, to help to rebuild their impoverished economy. In 1652, the treasurer's accounts of Hamilton showed that a voluntary contribution, organised by the town's bailies, John Alexander and James Nasmyth, was raised for repairing and rebuilding the Clyde bridge which had fallen down in February 1651. Due to the importance of

the bridge to the infrastructure of the country they collected contributions from the shire of Lanark, the shires and burghs of Ayr, Wigtown, and Renfrew in the west, and from Linlithgow, Edinburgh and Haddington in the east.<sup>28</sup>

This type of repair was conducted by burghs throughout the country, and continued through the whole decade. In Elgin, in October 1653, the council paid men for work they had done to mend the Bridge of Lossie.<sup>29</sup> In Perth, in August 1653, they gathered contributions from the inhabitants of the town to help maintain a timber bridge built 'for helping the frequent passage and common passage between Burntisland, Kirkcaldie and Perth'.<sup>30</sup> Burntisland collected a voluntary contribution from everyone in the town who had a horse in September 1657, after they had received a supplication from the town of Kennoway in which they asked for a contribution to help mend their highway.<sup>31</sup> In Ayr, in March 1657, the council gave fifty merks towards the building of the bridge at Cessnok.<sup>32</sup>

For those burghs which lay on the coast, and relied on the sea for trade, the most important repairs were those to their harbours. Many harbours had fallen into great decay and it was imperative, if trade was to be resumed, and the burghs were to rebuild their economies, that the harbours were repaired. Burntisland began the rebuilding of its infrastructure in February 1652 when the work began on repairing the roads, and at some point during the first few months of the year, they began work on the harbour.<sup>33</sup> In October 1652, the council ordered that, in order to speed up the work on the road, the whole town was to carry stones to the roadway for the next two weeks with each quarter of the town taking it in turns to do the work.<sup>34</sup> In June 1652, the council received a report from the director of the works that these repairs were continuing apace, and the organisation of the harbour repairs began to take up a



considerable amount of council time.<sup>35</sup> The work on both the harbour and the roadway was carried out by the inhabitants of the town, who were ordered to work on specific days, drawn up in lists prepared by certain members of the council appointed to oversee the whole venture.<sup>36</sup>

The harbour was still being repaired in 1653, and on 25 July the council called for strong men and women to come to work on the harbour, again each quarter of the town turn about as before.<sup>37</sup> The work to the harbour was ongoing throughout the 1650s but the council were hampered by a chronic lack of money to pay for the repairs. It was therefore necessary to ask for help outside the burgh. At first they petitioned other burghs for money for the repairs, and they must have received some money to that effect before August 1655, as representatives from Kirkcaldy, Dunfermline and Inverkeithing were sent, to check that the repairs to the harbour had been carried out.<sup>38</sup> The English authorities also recognised the pitiful state of the harbour and, in July 1656, the council managed to get an abatement of six months of the cess, with orders to use the money to repair the harbour, after heavy storms had caused further damage.<sup>39</sup> The council ordered that a boat was to be built for carrying stones in the harbour; but, as it was financially destitute, it had to cost less than 500 merks.<sup>40</sup> Once repaired, the council took care to look after its upkeep and, in May 1657, a quarter of the town wereset to work on the cleaning of the harbour.<sup>41</sup> The repairs to the harbour took up most of Burntisland council's time and money when it came to rebuilding the burgh physically, as it was of vital importance to its trade. It was not until May 1657 that it turned its attention to other buildings in the town when it was forced to make urgent repairs to the kirk, whose steeple was in dire need of attention.<sup>42</sup> The repairs were further delayed due to a lack of timber in the country,



and it had to postpone the work until December of that year, when it bought the materials and employed workmen to repair the steeple.<sup>43</sup>

All the harbours along the East Coast of Fife were badly damaged, and it was of the utmost importance to rebuild them if there was to be any improvement in trade. In the 'Desires of Dysart', the representatives petitioned the Commissioners from parliament for the opportunity to elect a council and magistrates, so that they could have a legal authority in the burgh to conduct the pressing repairs to their harbour.<sup>44</sup> Pittenweem's harbour was also badly damaged but the poverty of the burgh meant that it was in no position to carry out any work on it until late 1656, after the storms had wrecked the harbour entirely, and the council was forced to effect vital repairs.<sup>45</sup> They had to rely on contributions from other sources as they could not afford to finance it themselves. In December the council sent a bailie to the Presbytery of St. Andrews for a voluntary contribution for repairing the much decayed harbour, and it also agreed that someone was also to be sent to the Synod for a contribution.<sup>46</sup> It also sent out petitions to other larger burghs for contributions; these were sent to the councils in Edinburgh, Glasgow, Stirling, Perth, Dundee, Hamilton, Leith and Linlithgow.<sup>47</sup> Pittenweem obviously received some contributions from these sources as, in May 1657, they were able to begin to repair the pier.<sup>48</sup>

It is interesting that Pittenweem, as a smaller burgh, still relied on the traditional charity of the church and the larger burghs for help in the repairing of the harbour, whereas Burntisland used the Commonwealth government as a new source of help in their repair work. It may have been the everyday contact with the English, due to the presence in their burgh, that led the burgh officials of towns such as

Burntisland to become much more involved with the English authorities, and to turn to them for help for matters such as repairs. This need for financial help from the central authorities may have led to their further integration into the new regime. The smaller burghs lay outwith this to a greater extent. Pittenweem, for example, had little contact with the English authorities, having no quartering on the burgh, whereas Burntisland had been in daily contact with the English since the burgh was occupied in 1651. Burntisland and other larger burghs, therefore, may have begun to see the English authorities in a different light than those burghs which had had very little day to day contact with them. The relationship they fostered could be to their advantage, as was seen by the English authorities' willingness to help some of the burghs out with certain essential repairs.

The extent of the repairs to the harbours on Fife's East Coast was one sign that there had been a significant decay in the burghs' sea trade, and, although they continued to make repairs to them throughout the 1650s, they never appear to have been fully restored. Other harbours had fallen into decay as well. In Ayr the first mention of repairs to the harbour was not until August 1656.<sup>49</sup> Perhaps its position meant that there had been less damage done to it than those on the East Coast which had taken the brunt of the invading army.

Usually the kirk was the first building to be repaired. In November 1652, the council of Perth, took measures to repair the steeple and the roof of the kirk, and the crafts were ordered to repair the windows as well.<sup>50</sup> At the same time the civic authorities mended the roadway, although the heritors were ordered to mend the roadways outside their own tenements. For its part, the council ordered the treasurer to mend 'the big stanes at the end of ewery streit'.<sup>51</sup> In May 1653, the council



arranged for scaffolding to be erected on the town walls due to their dangerous condition.<sup>52</sup> In Perth, the progress of repairs was slow, due to the heavy burdens of quartered soldiers lying on the town. It did not begin repairs to its tolbooth until November 1657<sup>53</sup> and, the only other repair noted was to a big clock in the steeple in June 1654.<sup>54</sup>

In Ayr repairs to the burgh began when the kirk door was replaced in early February 1652.<sup>55</sup> This turned out to be a rather fruitless task as in August 1652 plans for building a new kirk had to be started as the former church was incorporated into the building of the new English citadel.<sup>56</sup> In the meantime the congregation went to the grammar school for services, and the new kirk was completed in 1654.<sup>57</sup> The building of this new kirk took up most of the money of the burgh. However, once the church was completed, the burgh authorities turned to repairing the school, in November 1655, and they made a new stone path from the front of the school to the porch of the church.<sup>58</sup> In January 1656 the council began a programme of work to other main municipal buildings that was completed before the summer of that year. They began to repair the council house and made improvements by putting in a new window, as well as repairs to both the laigh tolbooth and the high tolbooth.<sup>59</sup> There appears to have been no shortage of money in the burgh to carry out the repairs and improvements to the municipal buildings, although the council did complain continually of their poverty. Perhaps, unlike the burghs on the east coast and central belt which bore the brunt of the enemy invasion, the damage to the buildings in Ayr was less extensive.

In Dumbarton there was little evidence of repairs to the burgh until 1655. Even then there was little work carried out, and that which was done, could be seen largely



as improvements rather than essential repairs. Whether or not the town had escaped the worst ravages of the occupation, or whether the burgh was too poor to carry out any major work, is not clear. However, in 1655 the council ordered that as part of the common work a stone 'buisch' was to be built around the tron,<sup>60</sup> and in June of that year the church roof was to be repointed and slated.<sup>61</sup>

Some burghs, usually the most strategically important ones, were much worse off than others, in terms of the damage done to them during the English invasion. Stirling, like Linlithgow, was very badly damaged, though in its case the vast majority of the damage to the burgh had been caused in 1650 and 1651 by the Royalist army, who had pulled down a multitude of houses in the face of the oncoming Cromwellian forces.<sup>62</sup> Such was the poverty of the burgh that, by 1655, many of the houses were still in the precarious state the Royalist army had left them. After a visit by Monck, Colonel Reade, the governor of the castle, passed on an order from Monck to the council in September 1655 informing them that they should tell those who owned the buildings to demolish or repair them within three months. If they failed to do so then others from the town and locality should rebuild them.<sup>63</sup>

Despite the extreme financial pressures all the burghs were under they all managed to carry out some measure of much-needed repairs to their burghs, and to the infrastructure of the country. Most of the repairs were to the municipal buildings and the churches that were needed if burgh government and burgh life were to be restored to their former levels, and normality was to be restored to a country under a new political regime. But also, there was repair work to roadways, harbours and bridges that was vital if the infrastructure of the country was to be re established and the trade of the burghs improved. The English authorities in Scotland had no money

for instigating these vital repairs, as the military occupation stretched their revenues as it was. Therefore, it was in the hands of the Scottish people to try to effect what rebuilding and repairs they could. Progress was slow due to lack of funds but the burghs showed a determination to start the process off in the face of extreme difficulties.

### **The Revival of the Regulation of Burgh Life**

The civic authorities also undertook a programme of reforms to improve life in the towns. One of the tasks undertaken by the councils, in order to improve the physical appearance of the burghs which had become neglected during the years of disturbance, was the cleaning of the streets of middens. Some burghs were quick to try and sort this problem as soon as normality began to return. In Elgin, in April 1652, the council ordered that the dunghills were to be removed from the streets by the inhabitants, and declared that if the householders failed to comply with the order the council would remove them themselves without paying the offending parties for their dung, as well as fining them.<sup>64</sup> In Burntisland, the new council elected in October 1652 declared that the middens were to be removed, and that the inhabitants were to prevent their swine roaming the streets, a practice which, although banned by earlier acts of council, had crept in again.<sup>65</sup> Their attempts to clean up the burgh were not entirely successful and, in December 1656, there were still complaints by councillors that there were swine on the streets.<sup>66</sup> Indeed, when the new governor of the garrison, Lieutenant Colonel Mason, arrived in the burgh in October he sent a missive to the town council requiring them to clean up the streets of the burgh as he had found them to be in a disgusting state.<sup>67</sup>



In Ayr, in January 1652, the council took the first opportunity when peace arrived to order the inhabitants to clean the streets weekly as they were in such a poor condition.<sup>68</sup> This order may well have gone unheeded as in December 1655 there were a number of repeated orders that the middens were to be cleaned up.<sup>69</sup> None of the burghs, however, appear to have been in quite such a bad state as the streets of Edinburgh. Here the council constantly issued edicts ordering the streets to be cleaned. In November 1653, the English Judges intervened, and recommended to the council that the streets were cleaned<sup>70</sup> and, on 16 November 1653, the council appointed inspectors to check that the work had been carried out.<sup>71</sup> In Linlithgow, in May 1656, despite repeated calls by the council for the inhabitants to clean the streets, they found that the high street was still in a filthy state. They complained that, as this uncleanness was not allowed in other burghs, they were 'evile spoken of by straingeres thaireby'. To remedy this they ordered that no one in the burgh was allowed to keep middens on the High Street for any longer than 48 hours, otherwise they would be fined £5 Scots.<sup>72</sup>

The cleaning of the streets was just one area in which the burgh authorities were trying to reassert the rules that governed burgh life. In 1652, soon after the political settlement was put in place, most of the burghs began to rebuild burgh life in its previous mould. Although most burghs still had officials in place, the disruption of the years prior to 1652 had resulted in a slackening of control over the towns. Burgh courts were started up again, the customs of the burghs were set, marches were ridden again, and old Acts of Council were ratified by the new councillors in the name of the Commonwealth rather than in the name of the monarch. In Linlithgow the council ratified all former Acts of the Council before



September 1649, on 2 February 1652, even before the political settlement established them formally in their offices.<sup>73</sup> Even in the north, where there was continued unrest until 1655, Elgin's council rode the marches for the first time after the political settlement as early as July 1652.<sup>74</sup> The councils also began to take positive steps to limit the damage that years of war and the subsequent lack of magisterial and council control had caused. In May 1653, the Pittenweem council attempted to sort out some of the financial irregularities that had crept in, and the inhabitants were ordered to pay grass mail for their beasts they put on the common land, a payment that had fallen by the wayside in the previous years.<sup>75</sup>

Many areas of burgh life had been neglected during more disruptive times, and stability in the country gave the burgh councils the opportunity to reassert their control over all aspects of burgh life. Many of the things that the councils had previously held authority over had fallen into neglect due to a lack of council supervision. One of the first things that many burgh councils did was to try and restore the education of local children back to what they regarded as a respectable level, by regaining control of the quality of teaching in the burgh schools. The burgh council, along with the elders of the kirk session, had previously been responsible for the appointing of the schoolmaster, and they had regularly visited the school to check on the progress of the children, in order to make sure that the schoolmaster was properly carrying out his duties.

These visits to the schools had, in most cases, if not all, fallen into abeyance due to the troubles of the late 1640s and early 1650s. Both the Scottish parliament and the General Assembly had previously taken an interest in the curriculum of the grammar schools, and now that they could not do so, it was up to the local authorities

to keep a closer check on the children's education.<sup>76</sup> It was one of the many duties that the burgh authorities were swift to reinstate after the English occupation started. In many cases, as with other aspects of burgh life, they did not wait for the political settlement but began almost immediately the occupation of the country was complete.

In Peebles, the visitation of the school was one of the first duties that the council carried out. As early as October 1651 they decided to appoint a new schoolmaster as they had been lacking one for the previous two years.<sup>77</sup> One was eventually appointed in May 1652 when the future of the burghs was more or less settled.<sup>78</sup> The council then carried out the first of its many regular visits to assess the children's education in September of that year. They also agreed that the chapel bell was to be rung, as it had done in less troubled times, at nine o'clock each weekday morning to summon the children to school.<sup>79</sup>

The lack of a schoolmaster before 1652 may have been a cause of the problems that the burgh of Peebles had with the education of its children throughout the 1650s. There seems to have been a general reluctance on the part of parents to send children to school, and the council was forced, in April 1653, to pass an act ordering children to either be put to the crafts or sent to school within 48 hours of the act being declared.<sup>80</sup> It failed to work, and a week later the council ordered that if the parents refused to follow the order then they would find themselves liable for the faults caused by their offspring.<sup>81</sup> The emphasis on the education of the youngsters may have had as much do with keeping them occupied and off the streets once the political situation had been settled and there was stability in the country. The council in Peebles never managed to its satisfaction to get all the children to comply with its



edicts over attendance and there were continued orders of the call to crafts or school throughout the decade. Indeed, as late as November 1658, the council was still concerned that all male children had not yet been put to school by their parents.<sup>82</sup> It was also very concerned as to the level of education in the school, and, without national guidance, it began in May 1656 to set out minute details of what work should be done by the scholars, the amount of homework required by children of all ages, and what hours the scholars should be expected to attend the school every week.<sup>83</sup>

Other burghs, too, were keen to re-establish the education system in the town, or, where the school had survived the upheaval of the previous years, to re-establish control over the quality of the teaching. Burntisland, like Peebles, was quick to try to restore education levels to an acceptable standard. On 17 May 1652, the council considered a report on the school which had found that not only had 'the scholers this long tyme bygane hes beine verie unprofitable' but also that the 'carriage' of the schoolmaster, Mr. John Jillings, 'hes beine scandalous'.<sup>84</sup> So, in order to correct this, the bailies, the minister, and three others appointed by the council, were ordered to go to the school and tell Mr. Jillings that if they did not find the children's standard of learning very much improved after a certain period of time, they would have to 'declare his place vacant and fill it with another'.<sup>85</sup>

When the men appointed by the council to look into this matter reported on 31 May 1652, they found that, although the educational standard of the children was very poor, yet the schoolmaster was an able teacher and, therefore, they recommended that he be allowed to continue. He was warned by the burgh authorities to be considerably more conscientious than he had been before.<sup>86</sup> After



this the members of the council took more care with the educational standards in the burgh than it had previously. In June 1653, they reported that a number of boys of the burgh had been found attending what were known as 'women's schools' in the burgh. The schoolmaster had recommended that these boys were able enough and therefore should attend the grammar school. So the bailies were appointed to call on the parents and to promote the school to them.<sup>87</sup> It was not until May 1654 that the Burntisland council ordered that the school should be visited regularly every quarter by members of the council, and, in particular, to keep an eye on Mr. Jillings who had managed to maintain his position in the school. The children of the parish of South Leith were not so lucky to have their school restored so quickly. The grammar school premises had previously been in Trinity House but since 1650 the English army had been using it for their army stores. It was not until August 1655 that new premises were found for the school in James Ridell's lofts.<sup>88</sup> The delay may well have been due to the fact that, as Leith was bereft of its burgh council, having been subsumed under the greater whole of Edinburgh city, the restoration of the educational facilities was very much delayed. In Ayr, too, the council was slower to keep check on their educational standards and it was not until September 1656 that the council ordered that the grammar school be visited every two months, to, it said, prevent abuse by the schoolmaster.<sup>89</sup>

In Melrose the school was functioning at least by 1657, but as the iniquity of the times meant that there was little money around, the schoolmaster, James Sprang, was forced to take legal action against the elders of the kirk, and the council, to obtain the pay he was owed. The council and elders were ordered to collect money from the inhabitants and pay Sprang within fifteen days.<sup>90</sup> The payment of the

schoolmaster and the upkeep of the burgh school was another financial burden on the councils and yet most burghs appeared to regard the restoration of the educational standards in the burgh as a priority.

In Perth, in 1652, the town found itself without a clerk, a schoolmaster and a minister. There were various calls for the places to be filled, and in particular for a new schoolmaster to be appointed. The council recognised the need for filling this vacancy and, at the council meeting of 16 November 1652, it was agreed that one of their number was to go to Edinburgh to speak to a member of the staff of the school there to see if he was willing to come to Perth as their master.<sup>91</sup> He must not have been successful in persuading him as one member of the kirk session presented the council with a petition in January 1653 asking that it continue to try to fill all three vacancies as soon as possible. Concerning the vacancy of the schoolmaster, he said a 'faithful gifted qualified persone' was required to teach the children, and pointed out that the councillors before them had 'laboured to fill the place with godlie able men and how youth florished in yis place'.<sup>92</sup> The council eventually succeeded in appointing an appropriate person for the task, and then turned its thoughts to a new building for the school, which it ordered to be started in October 1654.<sup>93</sup> The council was unable to find the funds from the town's treasury to pay for the whole expense of the work so it arranged that there was to be a voluntary contribution, with the council paying a certain amount to start the fund off.<sup>94</sup>

Even smaller burghs such as Pittenweem, which was extremely poor at this time due to the complete decay of its trade and trading facilities, began to restore its educational facilities in 1653. On 10 February 1653, the kirk session recommended to the council that the Act of 1 May 1649, that concerned the putting of all children



to women's schools, or other schools outside the town, should be put into execution.<sup>95</sup> On 22 February 1653, the kirk session also recommended to the magistrates and council 'to think on a way for maintenance of a schoolmaster'.<sup>96</sup> The session itself promised that the schoolmaster could have twenty shillings of the expenses of each marriage performed in the parish, and it recommended that 'bairnes of this burgh booth poore and rich yt shall report to ye schoolle to read, wryt and lay accounts and instruct ym in the latine tongue as farre as they are capable and attend ye schoolle at all occasions'.<sup>97</sup>

What concerned many of the larger burghs was, as well as the lack of educational facilities in the town, the lack of control the burgh authorities had over them. With many of the schools in the burghs having fallen into neglect, the councils in the 1650s found that a number of unlicensed schools had sprung up. The burgh authorities were only willing to sanction authorised schools and after the initial adjustment period the councils began to clamp down on unlicensed schools as part of their campaign to regain control over burgh matters. In Linlithgow a man from the burgh was punished, on 17 February 1654, for holding an unlicensed school in the burgh,<sup>98</sup> and in Glasgow, in March 1654, there were various complaints made against people who had taken up schools unauthorised by the council. The council ordered that these were to be stopped.<sup>99</sup> It also wanted to curb the abuses that had crept into the system in previous years, and ordained that those schools which were authorised by the council were to make sure that they were teaching the children for free, as payments to them by the families were unlawful.<sup>100</sup>

As the decade progressed, the educational standards and services improved and increased in many of the burghs, as the councils continued to regain hold of burgh



life. In Linlithgow, the grammar school was visited by the council for the first time since the 1640s in August 1653.<sup>101</sup> The visits continued thereafter, infrequent at first but, as normality began to return by the latter half of the decade, these visits were more frequent and regular. By the late 1650s the political situation in the burghs had returned to a level of stability that resulted in improvements to the educational facilities as well as the re-establishment of older ones. In Linlithgow in February 1657 a song school was set up in the session house,<sup>102</sup> and a women's school was to ordered to be set up for girls in January 1658 to teach reading, sewing and good manners.<sup>103</sup> In Burntisland there was also an increase in the education offered to its youngsters towards the end of the 1650s. A woman called Marine Malpas came to the town in July 1657, and proposed to the council the setting up of a school for girls.<sup>104</sup> After examining this lady's teaching ability, the council agreed to the setting up of the school, and found her premises in which to conduct her classes and 'for hir better encouragement ordanis and allowis ane hous meall to be givin to hir friely be the toun'.<sup>105</sup> In Elgin a song school was set up in November 1657, and the council ordered that new seats and tables were to be made for it and paid for out of the burgh treasury.<sup>106</sup>

Life for all the burgh inhabitants, not just the children, began to return to normality, despite the presence of the occupying forces. In the 1650s the councils began to encourage the return of the burgh fairs, that had been commonplace in the towns. Many of these had been halted during the years of disturbance, but the councils clearly thought that peaceful times had arrived, and it was certainly in the economic interests of the burghs to restore the fairs and attempt to encourage trade. Not only was it good for the financial welfare of the burgh but it also gave the

inhabitants a social occasion to release the tension of the previous years, and the continued strain of the occupation of the country. As early as 1652 the council in Linlithgow decided to hold the Magdalen fair in the burgh in July of that year.<sup>107</sup> In Peebles, too, the council noted that the St. Andrews fair, which had been used to sell cattle, had gone out of use and decided to revive it in November of 1652.<sup>108</sup>

In Burntisland, in April 1653, the council decided to go further than merely holding a fair for the horse market. It agreed to hold a horse race on the day of the market, presumably to increase interest in the market itself. The course was set from Petticur West to the port, and only horses worth over three hundred merks were eligible to take part, with an entry fee for the owners £4 Scots. In addition, the council agreed to buy a silver cup of ten ounces to be presented to the owner of the winning horse. Letters were sent out to the neighbouring burghs to advertise the race.<sup>109</sup> Although these gatherings could have been a threat to the security of the country, the military authorities appeared not to have been concerned about them, and an army presence in the burghs was enough to ensure peace, if not sobriety. In Linlithgow the council actually asked the governor of the castle to provide it with some 'honest men' to help erect the fair, in July 1652.<sup>110</sup>

Other burghs were slower to re-establish their fairs, particularly in the north where Glencairn's Rising had caused further disruption and had delayed the full re-establishment of burgh life. However, by the second half of the decade the fairs were being held in all areas by the burghs. In Elgin the first mention of the St. Giles market, held in August, was in 1656 when it was ordered to be announced in Forres and Inverness.<sup>111</sup> The plurality of fairs in the north towards the end of the decade began to concern the council of Fortrose. As a smaller burgh they were more



concerned about the competition to their own event. In January 1658 the council in Fortrose entered into a dispute with the burgh of Inverness, when it made a complaint about the 'great prejudice intendit be the towne of Innernes ag[ain]st them in the publict proclamation of yr pndit fair immediately preceeding St. Bonacemes fair'. The council ordered that a representative, Jon Elder, was to go to the next fair held in Dingwall, to see if any proclamation of a fair, to be held at Inverness, was made there. If it was, he was 'to protest civilly ag[ain]st the same proclamation and for the nollity of the said fair'.<sup>112</sup> Any threat to its own fair was particularly significant to Fortrose at this time, as it was seeking to get royal burgh status conferred on it, and it needed the money from the merchant burgesses to pay for the dues and expenses involved.<sup>113</sup> The competition from Inverness also lessened its status as an emerging burgh, and it was determined to try and stop competition for their fair.

### **Internal Order and Discipline in the Burghs**

One of the most important elements the new councils were concerned with, when peace and stability was restored at national level, was to re-establish the control of the magistrates and council officials over aspects of internal order and discipline amongst the urban population. The burgh court dealt with minor affairs in the burghs such as debts, questions of social order and minor assaults. In many cases, the burgh courts' work had lapsed prior to 1652 due to the iniquity of the times and, particularly, in the period from the start of the English invasion. Many burghs, however, still had some semblance of a court carrying on, but after 1652 the burgh courts became busier than they had been in the 1640s. This was mainly due to the fact that there were many cases that had been unable to be tried during the period



when the courts had not been functioning at their full level. It appears from the burgh court records that the restarting of the courts by the magistrates lead to a huge rush of cases that were waiting to be dealt with.

The restoration of burgh justice was further complicated by the proclamation of the Commissioners from England, on 31 January 1652, that no courts were to be held in Scotland unless they were conducted by those who took their authority from the English parliament, until such time as a permanent justice system could be established.<sup>114</sup> This meant for the burgh courts that they were forbidden to function officially until new magistrates were selected in the municipal elections ordered by the English parliament in the spring of 1652. When the burghs' rights had been restored to them, and the magistrates had sworn the oath of allegiance to parliament, the burgh courts were allowed to carry on.

There are few separate burgh court books extant for this period, and in some cases the burgh court minutes are included in the council minute book. However, there is evidence that in a few cases the burgh magistrates continued to hold the courts and dispense justice in the burghs, even after the declaration of 31 January. Linlithgow is an example of a burgh in which this is clear from the records. The burgh court records stopped in mid 1650, presumably when the magistrates fled to Culross and were unable to carry out their magisterial tasks from such a distance. They started the burgh court again in November 1651 as soon as they were re-established in the burgh and it had become increasingly apparent that the English occupation of the country was complete. There was a huge rise in cases brought before the magistrates after January 1652, and this continued into 1653. The

magistrates dealt with cases mostly concerning debts although there were a few cases of breaches of the peace.<sup>115</sup>

In Peebles there are no separate court records from this period, but it appeared that the work of the magistrates was being recorded in the council minutes. Here there are cases of 'blood and ryot' being tried and punished by the council in March 1652, before the election of new magistrates, and while burgh justice was still officially suspended.<sup>116</sup> Not all the burghs carried on with the work of the burgh courts, or at least recorded it, but these two examples show that some burghs at least were content to carry on with their own roles, despite the changes the new political settlement was trying to enforce. The suspension of burgh justice in the first months of 1652 was an inconvenience to the civic authorities, as they began their attempts to restore full control over the towns, with the result that they were forced to further delay cases that had already been held up through lack of burgh justice in the preceding years.

In Burntisland sessions of the burgh court had been held intermittently throughout the years of 1650 and 1651, but after November 1651 the court began to be held more regularly and there was a dramatic increase in the number of cases being dealt with by the magistrates.<sup>117</sup> This increase in the number of cases continued throughout 1652, although the court was suspended temporarily until after the English issued the authority to hold it.<sup>118</sup> Eventually the burgh authorities announced that, as there were so many petty claims being brought by the inhabitants of the burgh, the court could not cope alone. They therefore took measures to help the magistrates deal with the cases and ordained that instead of a full court being held for cases with a limit of ten shillings sterling, the bailies were to hear the parties



involved and determine justice. Those who refused to have their case heard in front of the bailies were to be fined.<sup>119</sup> The majority of the cases brought before the burgh court dealt with disputes over debts, many going back several years. The council and magistrates in Burntisland were not so overburdened with cases, however, that they were prepared to see their inhabitants going elsewhere for their justice. A sign that the burgh authorities still had some way to go before they regained complete control over all aspects of the burgh came in September 1654, when they declared that inhabitants of the burgh had been

neidleslie drawin to great trouble and expenss hitherto by severall  
neighbouris wtin the same who have contentiouslie persewed them  
before other Judicatories in the countie and many of them for pittie  
sowmes of meir purpose to draw yr neighbours to trouble and expenss.

The council declared that the same justice could be found in the burgh and it was against burgh statutes to go to courts outside the burgh. Therefore, all those inhabitants who had quarrels with any one else in the town were to bring them before the burgh magistrates or else they would be fined £20.<sup>120</sup>

Despite this increase in the number of cases being heard by the burgh courts there does not seem to be evidence, as in Burntisland, of any significant increase in violent disorder in the towns during the period even though the towns were full of soldiers. However, in a few cases the burgh authorities felt the need to put a few extra measures in place to keep the peace. In Linlithgow, at the Magdalen fair in July 1655, the council decided to station more men than was usual on the west port to make sure that the 'carousers' behaved themselves.<sup>121</sup> This was part of official attempts to tighten up their control over the behaviour of the inhabitants. This



included members of the councils as well as the common man. The council decreed in September of the same year that they had agreed to forbid the spending of any of the common good money on drink, and if councillors were caught continually swearing or drinking they would be thrown out of office.<sup>122</sup>

These measures seem to have been symptomatic of attempts by most of the civic authorities to impose stricter rules on inhabitants, and it appeared that many of the burghs felt that the lack of magisterial and council control in the earlier part of the decade had led to the inhabitants of their burghs indulging in ever more errant behaviour. All the councils reissued their acts concerning social behaviour soon after their election in the first half of 1652, and some, such as Burntisland, Dumbarton, Ayr and Linlithgow, continued to do so at regular intervals throughout the 1650s, something which they had not done during the previous decade. For example, in Burntisland on 8 June 1657, the act of parliament against 'drinkeris, swearers, curseris, blasphemers, scolderis and mockeris of pietie' were reissued to the inhabitants. Despite this, on 15 June 1657, the magistrates reported that 'the sinnes of swearing cursing scolding filthie speaking drunkines mocking of pietie and other scandalous faultis still aboundis within this burgh'.<sup>123</sup> The council then exhorted their members to be extra vigilant, including specifically anyone found singing or making bawdy songs.<sup>124</sup> No doubt the increase in this errant social behaviour was, in part, due to the number of soldiers who were present in the burgh, but it also indicated, perhaps, a breakdown in the control the burgh council had over the inhabitants in their town. This may have been due to the years of social dislocation that occurred prior to 1652, because of the years of war and invasion when the council and magisterial control had not been as effective as it had been before.

The Burntisland council itself regarded the increase in this anti-social behaviour to be due to the number of strangers in town, and was convinced that they were contributing to the increase in the amount of swearing and drinking that was prevalent. The authorities had been aware of the problem of the increasing numbers of immigrants into the burgh, and the decline in social behaviour in the burgh was seen as a direct result of the disruption this caused in society. The same day as Burntisland's council urged its members to be vigilant for these sins of drunkenness and swearing, it also ordered that the bailies were to make a list of strangers in the town.<sup>125</sup> When this list was produced the council began to take measures against the large number of people in the burgh who were found to be letting rooms to strangers without a licence, and they were ordered to appear before the burgh court to answer the charges.<sup>126</sup>

In the council records of the burghs there is evidence of constant complaints, throughout the decade, of the large number of people who came into the burghs, many looking for work. It affected mainly the larger urban centres, for in small burghs, such as Pittenweem and Fortrose, there was no mention of this problem. The court records of Pittenweem indicate that there was little evidence of disorder or errant social behaviour in the burgh throughout these years. The burgh had no soldiers garrisoned on them, and would have been unlikely to attract economic migrants due to its impoverished state. Perhaps, therefore, the council of Burntisland was correct in blaming the large numbers of strangers for at least part of the problem.

The Linlithgow authorities also found that there was an increase in the scandalous behaviour of its inhabitants. The council instituted harsher fines to try and deal with the problem and decided that anyone caught contravening the acts was to



be fined five shillings sterling for the first fault for drinking, and forty pence for each oath; the fine to double for each subsequent appearance.<sup>127</sup> They also appointed a councillor and one of the bailies to attend the market weekly to look out for these vices amongst the citizens, and to visit all the houses in the burgh where they suspected excess drinking to be taking place.<sup>128</sup> To a greater extent the burgh councils were content to let the kirk session deal with the 'social' and 'moral' crimes in the burgh, and although the council's power over these crimes was increased in 1656 with the establishment of the Commission of the Peace, they were occupied with other council matters dealing with quartering, finance and trade.

### **Poverty in the Burghs**

One matter they did turn their attention to was the problem of vagrancy and begging in the burghs. The council records show that the burgh authorities were aware that, along with the increase of economic migrants into the burghs in the 1650s, there was an especially large increase in the number of beggars appearing on their streets. This was an inevitable result of the economic and social dislocation caused by the previous years of war. People who were suffering from extreme poverty in the countryside were more likely to move into the towns to try and find work or, if circumstances forced them to, to beg. The problem of begging was therefore a serious urban problem.

It was certainly a major issue for the urban authorities during the Cromwellian occupation, as the number of indigent poor in the towns had also increased due to the past and continuing economic hardships. Diminishing trade, increasing financial



demands from the authorities and the loss of goods and property due to the war added to the urban inhabitants' hardships. It was inevitable, therefore, that the burgh authorities, who had their own financial pressures, came to the conclusion that the burgh was only able to sustain its own poor, as was customary, and to produce extra legislation accordingly. The overall strain on financial resources resulting from the increasing demands from the central government, and the slow economic recovery in the burghs meant that the funds available for poor relief in all the burghs were heavily stretched.

The burghs found themselves in a deplorable condition by 1652. The hardship of the 1640s, compounded by bad harvests and outbreaks of plague from 1645 to 1647, had only increased after the invasion of the English in 1650. The problem of increasing numbers of poor had therefore been a problem for the burghs before 1652. In June 1650, poverty was so endemic, that the committee of war had announced that all families should eat only two meals a day and that the third should be given to the poor.<sup>129</sup> So as things were already bad before the English invasion, after the political settlement of 1652 the burgh authorities were left to start to deal with the problems that the dislocation and hardship of the last decade had caused.

In many burghs the practice of giving the indigent poor of the burgh badges or tokens to mark them as the burgh's responsibility was revived after 1652. In Ayr, on 27 January 1652, the council called the poor of the town to appear before members of the council to get the official mark of the beggar. This was given to the natives of the burgh to distinguish them from incoming strangers, and to show that they were deserving of the town's charity. In order to deal with poor relief they were also to deliberate over the matter so 'at yt tyme a way may be fund how the poor be

sustained'.<sup>130</sup> In Perth, the council had tried from late 1652 onwards to find a way to stop begging in the streets of the burgh, but, by October 1653, it agreed that as it was unable to do so, it would tolerate begging, but only by those who had the badge of being born there.<sup>131</sup>

With the growth of poverty the work of the kirk session was increasingly important through its collection and administration of money for poor relief. The elders had been responsible for the collections for poor relief based on voluntary contributions in the 1640s. The council and the kirk session worked together in all the burghs to collect money for the poor as their numbers increased and most of the sessions collected money regularly at the church door for the poor. In Burntisland, in December 1652, the kirk elders were concerned about the number of poor children whose parents could not afford to put them to school, and so they agreed to do what they could to help them attend school.<sup>132</sup>

Even the Commissioners from parliament recognised the level of poverty in the country, and, as a gesture towards the inhabitants of the parish in which they were based, they donated £3.15.0 sterling for the poor of Dalkeith.<sup>133</sup> The kirk session continued to receive payment from them while the Commissioners remained in Scotland, and they received a further payment of fifteen shillings sterling on 7 March, and another of £36 Scots on 2 April.<sup>134</sup> The Dalkeith session was also aware that strangers from outside the burgh were trying to get poor relief by false means in the burgh. In January 1657, it decided that none of the poor money should be given to strangers unless the minister or one of the bailies authorised it, as strange beggars had often deceived people by going through the town and asking for alms from 'sundry hames, the on not knowing of ye other'.<sup>135</sup>



Even those who were not beggars were not always welcome in the burghs. The urban authorities were very concerned about the number of strangers who were entering their towns all the time, even if they were not begging. This increased movement in the population had been a problem in the 1640s as well. The events of the 1640s and 1650s had loosened the tight regulations that governed the population and many more people had begun to move around the country, mainly for economic reasons. In 1647 the council of Elgin complained that servants in the burgh were becoming more troublesome, with many leaving the burgh without the consent of their masters. It noted that 'some rejects service that they may leive louslie and others leave their masters without their knowledge or consent'. In order to curb this problem the council imposed a threat of imprisonment if they 'cast themselves louse from service on pretext of taking up house themselves'.<sup>136</sup> It also reiterated that no servant was to be received from another place unless they had a satisfactory testimonial from the minister of that place to be presented to the council on arrival in the burgh.<sup>137</sup>

This problem continued into the 1650s, and the years of the Cromwellian occupation saw an increase in the numbers of complaints about strangers recorded in the burgh council records. This was the result not only of the numbers of people travelling into the burghs but also of the burgh council's renewed attempts to resume tight control over burgh life. The burgh authorities were more vigilant in their efforts to stop the number of strangers entering the burghs. Any newcomers into the towns were regarded as being harmful to the social balance of the burgh and these persons were blamed for all sorts of social evils that the towns suffered, including excess



drinking and swearing, and for a general breakdown in the social behaviour of the inhabitants

There are many examples of complaints from burgh councils of strangers in town and the damage they were accused of, in the first half of the decade. It was difficult for the council to keep track of any incomers, as people in the burghs seemed prepared to rent them rooms and houses. Perhaps, with the lack of trade and increased poverty, rent from these strangers was tempting for the local people, despite the threats of punishments issued by the council. Peebles reported trouble with strangers in March 1653, and all the inhabitants were banned from setting houses to vagabonds.<sup>138</sup> However, the council reported in September 1654, that after an inspection of the burgh they had found that houses were still being set to unsuitable people.<sup>139</sup> By 'unsuitable people' the council was referring, not only to strangers who had arrived without testimonials, but also young single women already in the burgh. The council specifically required those who had set houses to young women, who were able for work, to remove them from their property and report them. These women were ordered to go into service or else were threatened with banishment from the burgh.<sup>140</sup>

In Burntisland the council ordered, on 29 October 1652, that no one was to set houses to vagabonds and strangers, or take them into their homes without a licence granted by the council. If anyone was caught doing so they were to be fined £10 Scots.<sup>141</sup> The problem of strangers coming into the burgh of Burntisland continued to persist throughout the decade. This was no doubt partly due to the fact that the burgh was on the main route from the north to Edinburgh and the central belt. The bailies were regularly ordered to make lists of the strangers in the burgh, and the burgh court

minutes are full of the names of those who were ordered to appear for letting them rooms without a licence.<sup>142</sup>

Although the smaller burghs also had serious problems of immigrants, the larger burghs were always more likely to attract more vagabonds and strangers. Aberdeen had constant problems with beggars, and there the council ordered that 'all sturdie beggars, both young and old, men and women, remove of this burghe and friedome within fortie aucht hours, under the paine of scourgeing'.<sup>143</sup> Edinburgh was by far the worst affected of all the burghs and the council referred in its legislation of November 1653 to 'the present danger of the Cittie and inhabitants of the samen by many masterless and disaffected persons'.<sup>144</sup> It also gave out orders concerning the reception of strangers into the houses of the inhabitants of the city but the problem was too vast to be dealt with effectively. The presence of soldiers in the burghs also made it more difficult for the burgh councils to deal with the matter effectively; so many extra persons in the already overcrowded towns meant that it was easier for strangers to go undetected for longer, despite the best efforts of the council officers who regularly made lists of inhabitants, poor, and soldiers living in the burgh.

In most of the burghs the presence of strangers in town does not seem to have decreased during the decade despite the best attempts by the urban authorities to curb the problem. In Linlithgow the difficulties caused by immigrants persisted and, by December 1658, the council was exasperated by what it saw as the multitude of strangers in the burgh burdening the townsfolk. Some of these incomers had testimonials from their previous parish, but many others did not, and the council in Linlithgow ordered that those who had recently come into the town were to appear before it with their testimonials, and with evidence of how they intended to support



themselves without burdening the town. The inhabitants were also ordered not to receive strangers unless they reported them to the magistrates and it could be proved that 'they nor their children will be troublesome or burdensome to the inhabitants'. Any inhabitant who transgressed this order was to be fined £5 Scots.<sup>145</sup>

The number of indigent poor in Linlithgow continued to increase during the decade as well. In November 1659 the council was informed by the minister, James Ramsay, that the congregation was in a hard and deplorable condition through the increasing numbers of poor in the parish. Collections by the church were far from enough to supply food for them all and they asked the council to advance them some of the collection for the poor to help meet the demand. The council agreed to do so and elected three members to look into the matter, noting that it was unfortunate that it could not get up a collection for the poor, but that it felt the financial pressures it was under at that time were too great.<sup>146</sup>

All the burghs complained of the burden of the poor throughout the whole decade, as Stirling did on 5 April 1653, when 'the present necessitie of the poore of this burgh' was noted by the council.<sup>147</sup> The urban authorities had the problem of separating those who were eligible for council help from those who were not, and not all the collections for the poor were left to the kirk session. In Glasgow the number of needy rose greatly after the great fire of 1652 had destroyed a vast amount of the burgh, and had left many people destitute. The council on 26 March 1653 'unanimouslie condiscendit and agreit that the magistratis disburdens themselfis anent the mater of the colecting of the contribution for the poor' and handed the matter over to the kirk. However, in order to retain some control over the matter, it laid down the rules governing the collections and decided to 'give to everie minister



in thair severall sessioun thair owne pairts, according to the number of thair poore, with relatioun to the collection at the kirk doris'.<sup>148</sup>

Despite the fact that Glasgow's trade flourished during the Cromwellian period, the poor of Glasgow were a constant burden on the town's resources. The council attempted to ease their sufferings but was tied by its own lack of funds. On 8 November 1656, it attempted to ease the burden on the poor folk by altering the old stent roll, concerning particularly, the poor's monthly 'in respect of the great outcry made anent the inequalitie thairof, and that many and divers be now eikit thairto that war not of befoir thairin'.<sup>149</sup> In June 1657, the council had to ask the merchants and crafts to maintain their own poor as a way of easing the burden on the town, which they all agreed to do so.<sup>150</sup> The town's finances had been drained, not only by the heavy demands that lay on all burghs, but also because of the devastation of the fire of 1652. Although other burghs had helped contribute funds for the town, and the Commonwealth government, too, had helped financially, the burgh struggled with the repairs to its buildings. On 5 September 1657 the council reported that 'yit the far most pairt and mickle mair is not yit rebuildit' of the town, and in October it was forced to admit that it could not afford to pay the workmen for the work they had done on the churches in the burgh.

The English authorities were also aware of the problem of beggars and vagabonds, and in July 1653 a proclamation against beggars was issued. This said that no one was allowed to beg except sick and impotent persons, that strong and idle beggars were to be put to work, and that all vagabonds had twenty eight days to return to their own parishes. The penalty for failing to comply with any of these was to be branded, scourged or imprisoned.<sup>151</sup> In July 1653, the primary concern of the

English authorities was military security in the country, and this order was intended to stop people moving around the country. These stringent measures, intended for security, also aided the urban authorities in their efforts to curb vagabonds and beggars. Further help was offered to the burghs in Fife, in June 1655, when they received a letter from Colonel Fairfax asking the towns to send 'all idle persones wtin yr bounds both men and wemen not exceiding fourtie yeares of age and above twentie' to a Mr. Clerk, who was taking a ship to Barbados. If any of the persons agreed to go they were to be given clothes if they needed them, and payment of a groat per day.<sup>152</sup> The English authorities had sent prisoners of war captured during Glencairn's rising to Barbados, as a less costly alternative to keeping them in Scotland, and the offer of taking beggars and vagrants may well have been tempting for the burgh authorities. The Burntisland council, although they complained of the multitude of beggars in the burgh, refused to send any of the poor in the town unless it was 'certified and made appeare to them that the gospell is preached and established yr'.<sup>153</sup>

The burghs complained constantly of their own economic hardships, but there is little clear evidence of the economic distress of individual inhabitants of the burghs as the council records were mostly concerned about the general lack of funds in the burgh coffers. Occasionally, however, they provided glimpses of the distress of the general urban population outside the realms of the chronically poor. In Burntisland, the council minutes record complaints from individuals who pleaded financial hardship in order to try to escape payment of fines laid on them by the burgh court, or of payment of coal and candle money.<sup>154</sup> The councils dismissed these pleas, and



in answer to all of them replied that no-one could be excused payment as the rest of the inhabitants were in a similar position.

It does seem that the people were, in general, very poor and there was little money about. In Fortrose, where the council records start after 1654, the council attempted to auction the customs of the burgh and the mail house on 1 December 1654, as was customary. It was the first time since the occupation of the country that they had done so, but they found that no one was able to bid more than four merks for them, which was not regarded as adequate by the councillors.<sup>155</sup>

Although the civic authorities were preoccupied with the major items of burgh business such as the poor, education, repairs, and trade, there were some positive steps taken by the councils, as the decade progressed, that indicated that they were settling into their role in the union, and that there was at least a little spare money about. In April 1654, the Burntisland council ordered the treasurer to buy cloth to make new coats for the town's officers.<sup>156</sup> In Perth, a new privy seal was ordered to be made in London for the council in February 1655.<sup>157</sup> Dumbarton council ordered new leather buckets from London in December 1655,<sup>158</sup> and in January 1655, Kirkcudbright bought a new mortcloth for the town.<sup>159</sup> In Burntisland, a clock master was employed by the town and paid ten merks a year.<sup>160</sup> In Peebles, the council bought a common bull, a horn and a drum in April 1657.<sup>161</sup> In Elgin, a postmaster for furnishing of horses was appointed in October 1654.<sup>162</sup> There were also positive improvements for the lives of the inhabitants, and in Linlithgow, in April 1656, the council ordered that heritors were to provide ladders for their tenements in case of fire.<sup>163</sup> All of these no matter how insignificant, were signs that the burghs were making attempts to return to normality despite the financial hardships of the decade.



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- <sup>1</sup> 'Assent and Desires of Selkirk shire and burgh', Terry (ed.), *The Cromwellian Union*, 108.
  - <sup>2</sup> L.352.041. R783, Hamilton Burgh Records, 1642-1669, fo. 12.
  - <sup>3</sup> NAS, B9/12/9, Burntisland Council Minutes, 1646-1655, fo. 332.
  - <sup>4</sup> NAS, B58/13/1, Peebles Council Minutes, 1604-1652, fo. 184.
  - <sup>5</sup> NAS, B58/13/1, Peebles Council Minutes, 1604-1652, fo. 187.
  - <sup>6</sup> NAS, B58/13/2, Peebles Council Minutes, 1652-1678, fo. 6.
  - <sup>7</sup> NAS, B58/13/2, Peebles Council Minutes, 1652-1678, fo. 13.
  - <sup>8</sup> NAS, B58/13/2, Peebles Council Minutes, 1652-1678, fo. 17.
  - <sup>9</sup> J. Beveridge, *Linlithgow at the Scottish Reformation and in the Seventeenth Century* (Linlithgow, 1914), 62.
  - <sup>10</sup> *ibid.*, 62.
  - <sup>11</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 585.
  - <sup>12</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 602.
  - <sup>13</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 538.
  - <sup>14</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 539.
  - <sup>15</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 541.
  - <sup>16</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 542.
  - <sup>17</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 679.
  - <sup>18</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 729.
  - <sup>19</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 729.
  - <sup>20</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 775.
  - <sup>21</sup> NAS, B48/18/108, 'Petition of the provest, baylies and counceill of Linlithgow' c. 1661.
  - <sup>22</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 692.

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- <sup>23</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 525.
  - <sup>24</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 571.
  - <sup>25</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 525.
  - <sup>26</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 586.
  - <sup>27</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 685.
  - <sup>28</sup> L.352.041. R783, Hamilton Burgh Records, 1642-1669, fo 11.
  - <sup>29</sup> W. Cramond & S. Ree (eds.), *Records of Elgin 1234 –1800*, i, 296.
  - <sup>30</sup> B59/16/4, Register of Acts of Town Council of Perth, 1652-1654.
  - <sup>31</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 92b.
  - <sup>32</sup> B6/18/2, Ayr Council Book, 1647-1669, fo. 127b.
  - <sup>33</sup> NAS, B9/12/9, Burntisland Council Minutes, 1646-1655, fo. 325.
  - <sup>34</sup> NAS, B9/12/9, Burntisland Council Minutes, 1646-1655, fo. 368.
  - <sup>35</sup> NAS, B9/12/9, Burntisland Council Minutes, 1646-1655, fo. 344.
  - <sup>36</sup> NAS, B9/12/9, Burntisland Council Minutes, 1646-1655, fo. 354.
  - <sup>37</sup> NAS, B9/12/10, Burntisland Council Minutes, 1652-1655, fo. 35a.
  - <sup>38</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 14b.
  - <sup>39</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 44b.
  - <sup>40</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 28b.
  - <sup>41</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 81b.
  - <sup>42</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 82a.
  - <sup>43</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 101a.
  - <sup>44</sup> 'Desires of Dysart', Portland MSS. Nxx 142, Terry (ed.), *Cromwellian Union*, 129.
  - <sup>45</sup> B60/6/1, Pittenweem Council Minutes, 1629-1727.
  - <sup>46</sup> B60/6/1, Pittenweem Council Minutes, 1629-1727.
  - <sup>47</sup> B60/6/1, Pittenweem Council Minutes, 1629-1727.



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- <sup>48</sup> B60/6/1, Pittenweem Council Minutes, 1629-1727.
- <sup>49</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 115a.
- <sup>50</sup> B59/16/4, Register of Acts of Town Council of Perth, 1652-1654.
- <sup>51</sup> B59/16/4, Register of Acts of Town Council of Perth, 1652-1654.
- <sup>52</sup> B59/16/5, Register of Acts of Town Council of Perth, 1654-1658.
- <sup>53</sup> B59/16/5, Register of Acts of Town Council of Perth, 1654-1658.
- <sup>54</sup> B59/16/5, Register of Acts of Town Council of Perth, 1654-1658.
- <sup>55</sup> B6/18/2, Ayr Council Book, 1647-1669, fo. 85b.
- <sup>56</sup> A. Dunlop, *The Royal Burgh of Ayr* (Ayr. Arch. & Nat. Hist. Soc., 1953), 111.
- <sup>57</sup> *ibid.*, 111.
- <sup>58</sup> B6/18/3, Ayr Town Council Minute Book, 1655-1663.
- <sup>59</sup> B6/18/3, Ayr Town Council Minute Book, 1655-1663.
- <sup>60</sup> B16/1/1/3, Dumbarton Council Minute Book, 1655-1673.
- <sup>61</sup> B16/1/1/3, Dumbarton Council Minute Book, 1655-1673.
- <sup>62</sup> *Extracts from the Records of the Royal Burgh of Stirling 1519-1666*, ed. R. Renwick (SBRS, 1887), 218.
- <sup>63</sup> *ibid.*, 218.
- <sup>64</sup> Cramond & Ree (eds.), *Records of Elgin*, i, 293.
- <sup>65</sup> NAS, B9/12/9, Burntisland Council Minutes, 1646-1655, fo. 296.
- <sup>66</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 70a.
- <sup>67</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 19a.
- <sup>68</sup> B6/18/2, Ayr Council Book, 1647-1669, fo. 84a.
- <sup>69</sup> B6/18/2, Ayr Council Book, 1647-1669, fo. 99b.
- <sup>70</sup> *Edinburgh Burgh Recs.*, 1642-1655, 323
- <sup>71</sup> *ibid.*, 326.
- <sup>72</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 593.



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- <sup>73</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 457.
- <sup>74</sup> W. Cramond & S. Ree (eds.), *Records of Elgin, 1234-1800*, ii (New Spalding Club, 1918), 294.
- <sup>75</sup> B60/6/1, Pittenweem Council Minutes, 1629-1727.
- <sup>76</sup> M. Lynch, *Scotland, a New History* (London, 1991), 259.
- <sup>77</sup> NAS, B58/13/1, Peebles Council Minutes, 1604-1652, fo. 182.
- <sup>78</sup> NAS, B58/13/1, Peebles Council Minutes, 1604-1652, fo. 189.
- <sup>79</sup> NAS, B58/13/2, Peebles Council Minutes, 1652-1678, fo. 5.
- <sup>80</sup> NAS, B58/13/2, Peebles Council Minutes, 1652-1678, fo. 13.
- <sup>81</sup> NAS, B58/13/2, Peebles Council Minutes, 1652-1678, fo. 13.
- <sup>82</sup> NAS, B58/13/2, Peebles Council Minutes, 1652-1678, fo. 43.
- <sup>83</sup> NAS, B58/13/2, Peebles Council Minutes, 1652-1678, fo. 33.
- <sup>84</sup> NAS, B9/12/9 Burntisland Council Minutes, 1646-1653, fo. 340.
- <sup>85</sup> NAS, B9/12/9 Burntisland Council Minutes, 1646-1653, fo. 346.
- <sup>86</sup> NAS, B9/12/9 Burntisland Council Minutes, 1646-1653, fo. 342.
- <sup>87</sup> NAS, B9/12/10 Burntisland Council Minutes, 1652-1655, fo. 27a.
- <sup>88</sup> D. Robertson, *South Leith Records* (Edinburgh, 1911), 102.
- <sup>89</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 115b.
- <sup>90</sup> *Selections from the Records of the Regality of Melrose, 1605-1661*, i, ed. C.D. Romanes (SHS. 1914), 161-2.
- <sup>91</sup> B59/16/4, Register of Acts of Town Council of Perth, 1652-1654.
- <sup>92</sup> B59/16/4, Register of Acts of Town Council of Perth, 1652-1654.
- <sup>93</sup> B59/16/5, Register of Acts of Town Council of Perth, 1654-1658.
- <sup>94</sup> B59/16/5, Register of Acts of Town Council of Perth, 1654-1658.
- <sup>95</sup> B60/6/1, Pittenweem Council Minutes, 1629-1727.
- <sup>96</sup> B60/6/1, Pittenweem Council Minutes, 1629-1727.

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- <sup>97</sup> CH2/833/2, St. Adrian's Kirk Session Minute Book, 1653-1659.
- <sup>98</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 484.
- <sup>99</sup> *Glasgow Burgh Recs.*, ed. Marwick, 284.
- <sup>100</sup> *ibid.*, 284
- <sup>101</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 464.
- <sup>102</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 535.
- <sup>103</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 679.
- <sup>104</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 86b.
- <sup>105</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 87a.
- <sup>106</sup> Cramond & Ree (eds.), *Records of Elgin*, ii, 289.
- <sup>107</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 433.
- <sup>108</sup> NAS, B58/13/2, Peebles Council Minutes, 1652-1678, fo. 8.
- <sup>109</sup> NAS, B9/12/10, Burntisland Council Minutes, 1652-1655, fo. 18b.
- <sup>110</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 433.
- <sup>111</sup> Cramond & Ree (eds.), *Records of Elgin*, i, 300.
- <sup>112</sup> NAS, B28/7/2, Fortrose Court and Council Records, 1647-1658, fo. 23.
- <sup>113</sup> NAS, B28/7/2, Fortrose Court and Council Records, 1647-1658, fo. 17.
- <sup>114</sup> Dow, *Cromwellian Scotland*, 36.
- <sup>115</sup> NAS, B48/8/12, Linlithgow Court Book, 1643-1666.
- <sup>116</sup> NAS, B58/13/1, Peebles Council Minutes, 1604-1652, fo. 186.
- <sup>117</sup> NAS, B9/11/10 Burntisland Court Book, 1656-1662, fo. 130a.
- <sup>118</sup> NAS, B9/11/10 Burntisland Court Book, 1656-1662., fo. 134a.
- <sup>119</sup> NAS, B9/12/10 Burntisland Council Minutes, 1652-1655, fo. 87a.
- <sup>120</sup> NAS, B9/12/10 Burntisland Council Minutes, 1652-1655, fo. 86a.
- <sup>121</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 560.
- <sup>122</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 568.



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- <sup>123</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 53b.
- <sup>124</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 83b.
- <sup>125</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 83b.
- <sup>126</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 427.
- <sup>127</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 427.
- <sup>128</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 433.
- <sup>129</sup> Cramond & Ree (eds.), *Records of Elgin*, ii, 271.
- <sup>130</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 84a.
- <sup>131</sup> B59/16/4, Register of the Acts of Town Council of Perth, 1652-1654.
- <sup>132</sup> NAS, CH2/523/1, Burntisland Kirk Session Minute book, 1650-1661, fo. 198a.
- <sup>133</sup> NAS, CH2/84/1, Dalkeith Kirk Session records, 1641-1666, fo. 27b.
- <sup>134</sup> NAS, CH2/84/1, Dalkeith Kirk Session records, 1641-1666, fos. 75a-75b.
- <sup>135</sup> NAS, CH2/84/1, Dalkeith Kirk Session records, 1641-1666, fo. 27b.
- <sup>136</sup> Cramond & Ree (eds.), *Records of Elgin*, ii, 256.
- <sup>137</sup> *ibid.*, 256.
- <sup>138</sup> NAS, B58/13/2, Peebles Council Minutes, 1652-1678, fo. 11
- <sup>139</sup> NAS, B58/13/2, Peebles Council Minutes, 1652-1678, fo. 23.
- <sup>140</sup> NAS, B58/13/2, Peebles Council Minutes, 1652-1678, fo. 24.
- <sup>141</sup> NAS, B9/12/9, Burntisland Council Minutes, 1646-1655, fo. 276.
- <sup>142</sup> NAS, B9/12/10 Burntisland Council Minutes, 1652-1655, fo. 44b.
- <sup>143</sup> *Extracts from the Council Register of Aberdeen 1643-1747*, ed. J. Stuart (SBRs, 1872), 164.
- <sup>144</sup> *Edinburgh Burgh Recs.*, 1642-1655, 326.
- <sup>145</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 721.
- <sup>146</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 774-775.



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- <sup>147</sup> *Extracts from the Records of the Royal Burgh of Stirling 1519-1666*, ed. R. Renwick, 208.
- <sup>148</sup> *Glasgow Burgh Recs., 1630-1662*, 263.
- <sup>149</sup> *ibid.*, 350.
- <sup>150</sup> *ibid.*, 367.
- <sup>151</sup> Clarke MSS G.5, 7, Firth (ed.), *Scotland and the Commonwealth*, 155.
- <sup>152</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 9b.
- <sup>153</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 10b.
- <sup>154</sup> NAS, B9/12/9, Burntisland Council Minutes, 1646-1655, fo. 335.
- <sup>155</sup> NAS, B28/7/2, Fortrose Court and Council Records, 1647-1658, fo. 12.
- <sup>156</sup> NAS, B9/12/10, Burntisland Council Minutes, 1652-1655, fo. 67a.
- <sup>157</sup> B59/16/5, Register of Acts of Town Council of Perth, 1654-1658.
- <sup>158</sup> B16/1/1/3, Dumbarton Council Minute Book, 1655-1673.
- <sup>159</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 520.
- <sup>160</sup> NAS, B9/12/10, Burntisland Council Minutes, 1652-1655, fo. 73a.
- <sup>161</sup> NAS, B58/13/2, Peebles Council Minutes, 1652-1678, fo. 37.
- <sup>162</sup> Cramond & Ree, (eds.), *Records of Elgin, 1234-1800*, i, 296.
- <sup>163</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 590.

## The Economy of the Burghs

One of the main concerns of the civic officials when they resumed their role as leaders of the burghs, under the Commonwealth Government, was the state of the burghs' economy. The economy of the Scottish burghs under the Cromwellian government has been explored in a number of other works; the conclusion that is generally accepted by historians is that trade in the burghs, which had already been greatly interrupted by the previous years of war, and in particular the English invasion, did not increase during the period.<sup>1</sup> The country was, in general, bankrupt due to the pressure of too many financial burdens and the innovations in trade introduced by the English government did little to ameliorate the economic depression. This chapter is concerned, not with these innovations in trade, as outlined briefly below, but with how they affected the burghs, and the main points of the English trade policies are summed up here.

The ordinance of union of 1654, brought two main changes to Scottish trade. Firstly, it allowed all goods to pass custom free between the two countries; secondly, it forbade the import and exports of those goods into Scotland, which were already prohibited in England. The free trade that the union brought between Scotland and England did not in any way compensate for the subsequent loss of foreign markets and the new trade opened up with the English colonies did little really to improve the burghs' lot, as there had been a *de facto* trade of that kind since the beginning of the century anyway. Any expected upturn in exports was hindered by English foreign policy and the wars with Spain and Holland. The loss of the Dutch trade was particularly hard on Scottish traders as previously there had been a considerable trade

between the two countries. With these restrictions, during the 1650s, Scottish trade was mostly confined along the coast to England.<sup>2</sup> The burghs also suffered from the loss of ships during the wars of 1640s, and during the English invasion. After the defeat of the Scottish army at Dunbar, the English authorities ordered that all the ships from the ports around Edinburgh were to go to Leith for the use of the English. In 1651, during the military campaign, the English army also took ships from the Fife ports and Dundee, and around 200 were reportedly taken.<sup>3</sup> The English government also hindered the renewal of trade for the burghs by prohibiting the export of skins, wool and hides which were the staple commodities of Scotland. Instead, they were ordered to be processed in 'manufacturies' to be set up in Scotland. The problem here lay in the fact that there was no capital to set up these new enterprises, as any spare resources was being used to try to keep on top of the financial demands that were being made of the burghs by the English authorities.

The burghs complained bitterly about English government policy and on 3 November 1654, at a Particular Convention of the Burghs in Edinburgh, they discussed the prevention of the export of theses staple commodities, and declared that they were

onlie the meanes quhairby thair tread subsisted and forraine comodities and money imported in the natione, without which they ar altogether unable for erecting of manufactories and improving of the saidis commodities thairin, without ane competent tyme be allowed them for exportatione of the saidis comodities, that treading may be againe establischd in the natione and schiping and money brocht in the samyn, without the which it is impossible for the estate of burrowis to subsist or



to be in capacitie for improving of the saidis comodities in manufactories conform to the said act.<sup>4</sup>

Money, too, was increasingly scarce and this was a major set-back to any revival in the burghs' trade.

The failure of these innovations in trading was not entirely the fault of the English authorities, or their lack of knowledge of the Scottish economy. Some of the burghs themselves had recommended such a course of action in 1652. In the 'Desires of Edinburgh and other burghs', which were presented to the Commissioners from parliament by the representatives of the burghs of Edinburgh, Arbroath, Wigtown, Perth, Dundee, Aberdeen, St. Andrews, Banff, Montrose, Jedburgh, Brechin and Forfar, they had specifically suggested that 'manufactories' be set up in each county to produce whatever their shire was best able to. They had declared that such a venture would help the 'the advancemt of vertue and entertheyneing of poore people'. They also suggested that tradesmen be brought from England to help set up these 'manufactories', and that this venture should be encouraged by all. They went on to suggest that there should be 'absaloute Restraint be made of transporting Woole, Skins, Hydes, Yairne or anie of the like comodities till it be put to the best perfection in workmanship within the Island'.<sup>5</sup> Despite these suggestions by the burghs, they complained bitterly about the restraint on exports later in the decade. What all sides could not foresee was the chronic lack of money that was to exist through the 1650s, making the setting up of any new enterprises in the country very difficult. Thus, the legislation preventing exports of these staple goods began to inhibit the revival of the economy rather than encourage it. The English government also introduced free trade between Scotland and England, although this did little to encourage new trade either.

The wish for the opening up of this trade was particularly expressed in the 'Desires' of those burghs and shires near the border. Both the shires and burghs of Selkirk and Jedburgh were particularly keen for free trade with England, although they did also express the wish for free trade with other nations as well.<sup>6</sup>

In addition to this, from 1651 after the Navigation Acts were passed, the English had ordered that all trade with Scotland and England should be in native ships or ships from the Commonwealth dominions from whence the trade came. This was another major blow as a large part of Scotland's trade had been carried out using foreign registered ships, and in particular, Dutch vessels. The burgh economies also suffered considerably when the rate of customs for Scotland was raised to keep in line with those in England, in 1656; these were considerably higher than the burghs had been used to.<sup>7</sup>

So, if these were the main innovations that shaped Scottish trade in this period, what then was the overall state of the burgh trade and economy in the 1650s? The main source of information on the trade of the country comes from Thomas Tucker's report of 1656.<sup>8</sup> Tucker had been sent by the government in England to make a survey of Scottish ports as part of a plan to introduce improvements to the collection of revenues of the excise and customs. The farming of the excise by the English will be more fully explored later, but Tucker's observations provide us with a valuable overview of the state of Scotland's ports.

His report of the general state of the Scotland's economy does not make for happy reading. He noted

the barrenesse of the countrey, poverty of the people, generally affected  
with slothe, and a lazy vagrancy of att endeing and followeing theyr



heards up and downe in theyr pastorage, rather than any dextrous improvement of theyr time, hath quite banished all trade from the inland parts, and drove her downe to the very sea side, where that little which is still remayneing... lives pent and shutt up.<sup>9</sup>

Of the burghs which have been used as examples in this work, he observed that Burntisland's trade covered from the Forth to the Tay and was mainly from Norway, and a small amount from France. Outwards, they traded in coal and salt but that trade was 'at all times very small, and worth little'. He noted that although Fife was one of the richest counties in Scotland, it was due to the fertility of the soil rather than any substantial trade. He stated that the gentry, many of whom lived in Fife had 'wholly driven out all but theyr tenants and peasants even to the shoare side' and that all the towns in Fife were 'pitifully small' with the exception of St. Andrews.<sup>10</sup> Shipping was much decayed and, in 1655, Burntisland had only seven boats registered in the port, with only three over thirty tons. In Pittenweem, in the same year, only two boats were registered, one at one hundred tons, the other at eighty tons. Perth was described as having a citadel but not much trade. Ayr, which also relied on its trade, was described as 'certainely to be deplored, the place groweing everyday worse'.<sup>11</sup> In fact the only place that Tucker praises for having a strong trade was Glasgow, where he said the people have a 'mercantile genius', with trade to Barbados, the Highlands, Norway, France and Ireland.<sup>12</sup>

The burghs themselves complained constantly of their poverty and contemporary commentators told how it increased throughout the decade and how trade remained very poor. These included the letters of Robert Baillie, who noted on the 31 December 1655, that 'strange want of money upon want of trade, for our



towns have no considerable trade; and what is, the English has possessed it'.<sup>13</sup> There seemed to have been little revival in trade as the decade had progressed, as Nicoll noted in February 1656 that many sailors and captains had gone to serve the English at sea, 'thair being lytill or no imployment for thame utherwayis in tred or merchandice'.<sup>14</sup>

At the ports the survey found that increasing neglect by the port officials of their duties had led to abuses creeping in since trade had been interrupted, which was symptomatic of a certain neglect and lack of control that existed in many aspects of the Scottish markets and trade. According to Tucker, no bills of entry had been taken or kept; masters of ships both inwards and outwards had often not declared the contents of the ships; skippers' books had not been kept; some goods had not been weighed at landing; little notice had been taken of what was being shipped out; the waiters who landed the goods at the ports had not been supervised adequately and were therefore free to do as they pleased; and there had been no survey of the ports or collective accountability for the collectors, each one doing as they pleased.<sup>15</sup> In 1656, Tucker and the rest of the commission began to take steps to regulate this, and the accounts of every port began to be examined, and new orders given to the collectors. The English hoped by ordering and supervising trade at the ports more effectively there would be an increase in the receipts and at least a small upturn in trade.<sup>16</sup>

The peace and stability the Union with England at first seemed to provide the burghs with the opportunity for a revival of the economy within the country. However, more importantly for the burgh authorities, the years of war had seen a certain relaxing of their vigilance over the rules that had governed trade within the

burghs themselves. It is clear from the complaints in the burgh council records that many irregularities had crept in, in regard to trading within the burghs. The councils had much work to do if they were to re-establish the liberties of the burghs that had been laid out by the Convention of Burghs. It was necessary to do this in order to protect the trade interests of the Royal Burghs, but years of economic dislocation, and lack of vigilance by the burgh councils, had led to the rules being flouted by many people, including the merchant burgesses, within the burghs themselves. This usurping of the liberties of the burghs was prevalent in all areas of the country and was one of the major sources of discontent voiced in the burgh council records. If the burghs could do little about the state of trade, which was controlled largely by forces outside their burghs, they at least attempted to put their own houses in order and to deal with any trading irregularities that had crept in. It was all part of returning the burgh to normality under the new regime.

### **Unfree traders**

The greatest problem that faced the burgh authorities in 1651 and 1652 was the multiplicity of unlicensed, or unfree traders operating within the burghs. Indeed the problem of unfree trading was of long standing and was to continue in all the burghs throughout the decade. As early as 1652, when the burgh courts reconvened officially, there were a multitude of cases of unfree trading brought before the burgh officials. In the burghs of Peebles, Linlithgow, Ayr, Dumbarton, Lanark and Burntisland, the last quarter of 1652 saw a sharp rise in the number of cases of unfree traders being dealt with by the burgh. These early attempts to deal with this problem, and subsequent actions by the civic authorities to curb the abuses, did not have any



effect on the number of cases they dealt with throughout the decade. The number of traders who appeared accused of this crime, in all the burghs reviewed, got more numerous as the decade went on. In fact, the years 1654 to 1657 saw the most dramatic increase in the number of people appearing before the burgh authorities.

The councils and magistrates of the burghs in the 1650s did not explain why there was such a dramatic rise in the number of unfree traders in the burghs. However, the reasons must have, in part, been rooted in the increasing poverty of the Scottish population and the lack of any significant economic upturn during the decade in the country as a whole. Many people suffering from economic distress were drawn into the burghs to seek shelter and jobs and many resorted to unfree trade to survive. There were many of the urban population, who in more prosperous economic times would have practised licensed trade, but found that they could not afford the burgess fees, that were being asked of them by the councils, in order to trade legitimately. Some councils did take steps to try to mitigate this, and in August 1652 the council of Edinburgh, who were overcome with the problem of unfree traders, offered to lower the price of a burgess ticket to one third of what it had been previously in order to encourage licensed trade.<sup>17</sup> The increase in unfree trade may have also been due to the breakdown in the control which the councils had previously had over trade, caused by the disruption of the 1640s and early 1650s when unfree trade had largely gone unchecked. In areas where the Royal Burghs were located far apart, such as in the south west and the Highlands, unfree trade flourished as unlicensed traders filled the gaps in the trade network.<sup>18</sup>

In Dumbarton, there had been a number of cases brought before the burgh court in 1652 and 1653 but it was not until July 1654 that there was an explosion of



cases which lasted until the end of 1655. On 9 June 1655 an order was made by the council against unfree traders in the Kirkton of Kilpatrick, and a search was ordered by the council to seek them out. Here the cases of unfree traders brought before the burgh authorities continued until the end of the decade but the main frenzy of activity was in the middle years of the decade. It seems unlikely that there was a sudden increase in the amount of unfree trading carried out in Dumbarton in 1654 and 1655, and what appears more plausible is that the Dumbarton officials were able to turn much more of their attention to the problem of the burgh's internal commercial affairs, once they had settled into the new regime. Dumbarton had also been directly affected by the rising in the north, and it was not until this was over that the burgh council were able to regain full control of burgh affairs in the more stable political climate.

Linlithgow, too, was plagued with the problem of unfree trading and the council started to pursue the problem with vigour after 1654. However, this did little to reduce the number of cases brought before the council and it continued to punish traders for this crime until the end of the decade. The increasing number of cases may, perhaps, also have been a testament to the council's effectiveness in searching out these crimes. However, it never appeared to get on top of the problem satisfactorily, and it constantly fined those who were found guilty more and more heavily. It was particularly harsh on those accused of unlicensed trade and other offences against the liberties of the town, who appeared on numerous occasions for repeat offences. A report from the Convention of Burghs on the problem of unfree trading in November 1657 gave an added impetus to the Linlithgow council to deal with the problem, and for the six months after it received the report the burgh

authorities were more diligent in seeking out those that used unfree trade within the liberties of the burgh.<sup>19</sup> This resulted in many more people appearing before the council charged with the offence.

One way in which the burghs tried to get to grips with the problem was to deal with it as a group rather than individually. By 1659 the burgh councils appeared to be no further forward in dealing with the problem, and eventually the deans of guild of the burghs of Edinburgh, Stirling, Linlithgow, Glasgow, Haddington, Dunfermline, and Culross were appointed by the Convention of Burghs to meet together for the 'searching and trying out of unfree traders and punishing of them'.<sup>20</sup> The first meeting was to be held in Linlithgow, where the council agreed that their dean of guild could attend the meeting, but he was ordered to 'dissent from ony thing thair to be mentioned contrair to our liberties'.<sup>21</sup> He was directed by the council to raise objection if the group tried to punish the traders they found within Linlithgow, as it felt that this was a task purely for the native council alone, and regarded it as a dangerous innovation.<sup>22</sup>

In Peebles, the problem with unfree traders was dealt with earlier in the decade. In September 1652, the council complained that unfreemen were selling goods within their liberties, and they attempted to deal with the problem then.<sup>23</sup> In Peebles there were not so many cases of unfree trade recorded. This may have been because the burgh was small and was, therefore, unable to sustain many of them. Without the constant disruption of soldiers quartered constantly on the town, the burgh authorities may have found it easier to keep control of trade.

Unfree traders flourished in all parts of the country during this period, despite the attempts by the councils to introduce legislation to curb them. In Elgin, in July



1656, the council ordered that no unlicensed tailor was to keep apprentices after the end of June, and that those apprentices were to go into service with a freeman in that trade.<sup>24</sup> In April 1657, the shoemakers of Elgin complained to the council asking that unfreemen in their trade would be forbidden from selling their goods in the markets, keeping shops and taking apprentices. The council agreed to lay down rules against it in order to protect legitimate trade in the burgh.<sup>25</sup>

Burntisland began its crusade against unfree traders in July 1652, when the first case of the Cromwellian period was recorded in the council minutes.<sup>26</sup> In the following November the council reaffirmed that unlicensed traders were not allowed to sell goods in the burgh until they had been offered to the council and refused by it but, despite its best attempts, the problem persisted throughout the 1650s.<sup>27</sup> The attempts by the council were not enough to stem the increase in the numbers of unlicensed traders. In May 1656, a representative of the hammermen of the burgh approached the council asking them to renew its efforts to stop unfreemen selling their work in the burgh, except on the market days when it was permitted. If the council were unable to stop these unfree traders, then the hammermen asked the councillors to ensure that these unfree men paid their dues to the guild and became licensed, as the amount of unlicensed trade was seriously undermining the legitimate traders.<sup>28</sup>

The burghs of Perth and Ayr also complained constantly of the same problem in the 1650s as well. It seems the problem was a universal one, which the burgh authorities had problems keeping under control. The interruption in control by the councils before 1652, due to the disruption of political life, and the increased pressure of council business in other areas of burgh life, meant that unlicensed trade,



once it had begun to flourish in the country, the council officials found it difficult to deal with. Even in smaller burghs such as Pittenweem, the burgh authorities had to deal with the problem of unfree traders to a certain extent. In Lanark the council grew so exasperated with the damage done to the town's official trade by unfreemen and strangers, that it approached the Convention of Burghs in 1658 to seek advice about how to curb the problem. Lanark expressed its belief that the cause of the problem was 'the want of ane solid and settled order amongst themselves'.<sup>29</sup> The multiplicity of these unlicensed traders during this period does seem to mark a breakdown in the authority of the guilds and the council in the area of trade, and the burgh officials were desperate to stop it.

The Convention of Burghs was well aware of the problem from an early stage and did make concerted attempts to deal with it. In October 1653, a meeting had been held in Edinburgh where it was recognised that the proliferation of unfree traders in the country meant that 'treading is now almost whollie takin out of the handis of free burgessis and gild brethren within the saidis burrowis be such as have no freedome within the samyn free burrowis and bear no portable chairges thairin'.<sup>30</sup> Again, in July 1654, the Convention heard complaints from the burgh of Renfrew against the unfree traders that had set up shops in the towns of Kilmacolme and Greenock, and the Convention ordered that Renfrew appear at the next convention with evidence that they had been diligent in punishing these traders.<sup>31</sup> They also ordered the burghs of Haddington and Kirkcaldy to report their diligence in action against unfree traders in Linktown (near Kirkcaldy), Prestonpans, and Newhaven.<sup>32</sup> In July 1655, at a General Convention, it was Perth that was ordered to report its diligence in punishing of unfree traders in Dunblane and Doune.<sup>33</sup> Still, by October 1657, despite their

attempts to punish unfree traders, the General Convention held in Glasgow heard 'wniversall complaintis of the whole burrowis of the natione against wnfreetreaderis'. This time, the Convention produced statutes that all the burghs were to put into operation. Firstly, the councils were to search out unfree traders, secondly, that no unfreemen were to be given freedom of the burgh unless they made their residence there, and thirdly, no free burgesses were to buy foreign commodities from unfree traders.<sup>34</sup> However, increased legislation issued by the Convention and by the burghs themselves did little to stop the problem, and the unfree traders continued to flout the laws of the royal burghs.

The hard economic times also led some burgesses to disregard the regulations of the burghs in order to make a living. In Elgin there were complaints by the 'Brethren of the Gild' against Andrew Adam, a merchant burghess from Aberdeen, who had been caught selling staple goods to unfreemen within the liberties of Elgin. He was fined £100 scots, and ordered to remain in the burgh until he paid it.<sup>35</sup> In Fortrose too there was reported the case of Alexander Johnstone, a merchant from Edinburgh, who was accused by other merchants of the town of selling his commodities and keeping a shop within the burgh. The council ordered him to close his shop and fined him £40 scots, under further threat of a £100 fine if he was caught selling goods in the town outside fair time.<sup>36</sup>

In order to mitigate the problem, the Councils were keen to encourage the apprentices of burgesses from within their own burgh to take up licensed trade, and some burghs began to offer them the freedom of the burgh at cheaper rates than those people coming from outside the burghs. In July 1654, the council of Burntisland ordered that all apprentices bound to burgesses of the burgh, who fulfilled their



apprenticeships correctly, should, after 1 August 1654, pay only ten merks, as well as the customary spice and wine, in order to gain their burgess ticket. To make sure that the council kept a close eye on the apprentices of the burgh, they had to give their names into the clerk within a month of entering their apprenticeship.<sup>37</sup> To further encourage the natives of the burghs, the council extended the Act which granted free burgess-ship to the eldest child of present burgesses, to 'burgess dochters married befor the sd act nor yit to such as have comittit the vice of fornicatioun'.<sup>38</sup>

In Linlithgow, there were complaints from the cordiners' guild that they were suffering due to the council allowing strangers, who came into the burgh, to receive liberty to trade, even though they were not apprentices to freemen of the burgh. The cordiners declared to the council that they would all soon have to turn from honest trade to make a living if something was not done to stop such abuses.<sup>39</sup> So the council, in order to placate the cordiners, reissued the order that only those who served five years apprenticeship with masters in the town, or those that married freemen's daughters in the said trade should have a licence to trade.<sup>40</sup> The council was keen to help protect the interests of the native burgesses from the competition from outsiders where it could.

Another area in which councils were forced to act, after peace came to the burghs, was in the area of the regulations of weights, measures and prices. It is clear that the burgh authorities found that they had to keep closer control of all aspects of the markets in the burghs, with regulation of markets having been neglected for a time, due to the disruption of the war, coupled with the economic hardship of the populace. In Peebles, the council began to tighten up on regulation of prices as early as October 1651. It ordered the merchants, baxters, butchers, and wine sellers in the



burgh not to sell underweight goods, or make too great a profit; and they should keep to the former acts of the parliament and burgh that had regulated these matters in the past.<sup>41</sup>

In Elgin, the council had to take measures to prevent the brewers from selling their ale outside of the town.<sup>42</sup> In May 1656, the council ordered that the 'just measure of Lithgow mett' be brought to it for the bettering ordering of weights and measures in the burgh. The dean of guild was ordered to check the weights and measures being used in the burgh and report any discrepancies he found.<sup>43</sup> The council decided to keep a closer eye on the weights and measures and they were checked again on 29 September 1656, when orders were given that they were to be rectified if they were found to be faulty.<sup>44</sup> Elgin council appear to have turned their attention to abuses in the markets rather later than in other burghs. It was only in April 1657 that they ordered a member of the council to go to the market to check the work of the shoemakers and to report if any were found to be substandard.<sup>45</sup>

In Burntisland, the council was much quicker to attempt to regain control of the regulation of the markets and to make sure that the quality of goods was not suffering. The burgh court proclaimed the weights, measures and prices for goods sold in the burgh in November 1651,<sup>46</sup> after the election of the council, as was customary. It did the same when it resumed business in September 1652.<sup>47</sup> The council, however, still found that many of these regulations were being flouted. On 31 October 1653, it accused the fleshers of the burgh of selling meat in the town dearer than in other markets in Fife, and ordered that they keep their prices down. It also tried many for contravening the statutes laying down the weight of bread and the price of ale. Those who were found to contravene the bread statutes were fined forty

shillings, and those selling ale too dearly were fined £5 Scots.<sup>48</sup> There were quite a number of people accused of these faults, in part due to the determination of the council to stamp out these abuses.

In July 1654, three members of the council of Burntisland met with the brewers and the ale sellers to see how often they had contravened the statutes concerning ale, to attempt to remedy the problem, and to warn the consistent offenders.<sup>49</sup> There was still a multitude of offenders despite the fact that, in January 1654, the council had ordered the bailies to quarter soldiers on all those who were deficient in paying their fines concerning the sale of dear ale.<sup>50</sup> In October 1654, the council produced a list of sixty two people who were to be fined due to transgressions of the ale statutes.<sup>51</sup> The problem with expensive ale continued and, in May 1655,<sup>52</sup> and again in April 1656, the council complained bitterly that ale was being sold at too high a price in the burgh.<sup>53</sup> Even Lieutenant Colonel Mason, the new governor of the garrison at Burntisland, asked the council to redress the high price of ale within the burgh when he took over as commander of the garrison in October 1655.<sup>54</sup> Despite their attempts to reduce the price of ale in the burgh, the council was not insensible to the increased financial demands that were being made on the brewers at this time. When, in October 1657, it found that the collectors of excise were demanding shore duties on unground malt, the council wrote to Colonel Tyler on behalf of the brewers of the burgh to explain their hard condition.<sup>55</sup> This proved to work in the brewers' favour, and Colonel Tyler wrote to Thomas Seaton, the farmer of the excise, in favour of the brewers on 19 October 1657.<sup>56</sup> It was not just ale that was being sold at a higher price than the council had laid down. Candlemakers, too, frequently appeared before the council for selling their candles dearer than they were being sold in other burghs.



The council also noted that the same candle makers were selling their candles, more cheaply in other places and raising their prices in the town of Burntisland itself.<sup>57</sup>

In Perth, the council produced acts against forestalling of the markets in July 1653. Here, the council also found that strangers from outside the burgh were bringing ale into the town to sell to the burgesses and inhabitants. As this proliferation of ale sellers did not seem to threaten the livelihood of those who were licensed to sell ale in the burgh, the council ordered that they could continue to do this, but only if they paid the dues that licensed brewers paid.<sup>58</sup> In Ayr, the council had tried to stop brewers receiving their malt from unofficial sources; in October 1655 it ordered that the brewers were not to receive any malt except that which was ground at the mills of Ayr or Alloway.<sup>59</sup> In Ayr, the council continually checked on the markets and a considerable number of people appeared before them to answer charges of contravening the acts of burgh for the sales of goods. In Peebles, in August 1656, the council were concerned with substandard goods for sale in the burgh and they authorised the provost and bailies to go through the town and seize any they found.<sup>60</sup>

In Dumbarton, the council, by 1655, found the burgh was still suffering under the problem of faulty weights and measures.<sup>61</sup> In Pittenweem, the council had the same problem, and found, in March 1653, that 'sundrie women living w[i]t[h]in this burgh who are abroad and bring in wheat bread lighter then allowed by ye statuts of yis burgh', in future they were ordered to show the bread brought into the burgh to the bailies, who would then weigh it; if it was found to be of insufficient weight it would be confiscated and given to the poor.<sup>62</sup>



The Convention of Burghs also recognised that the 'Linlithgow mett', the measure that was expected to be used throughout the country, was not being used as universally as it should. Indeed, in July 1655, the General Convention in Edinburgh agreed that neighbouring burghs should visit each other to check that the correct weights were being used. It made a list of which burghs should visit each other, and ordered that they report back with their findings to the next Convention.<sup>63</sup> It was reported back in July 1656, at the General Convention held in Haddington, that some burghs 'had nather weightis nor measuris', and this was ordered to be corrected by the burghs as soon as possible.<sup>64</sup>

Despite all the complaints by the merchant burgesses and guilds in the council records about unfree traders, there appears to have been little trouble in the burghs caused by this. Only in Glasgow, in February 1653, was there any disturbance, when a riot by the apprentice wrights broke out, with violence directed against those who were practising the trade in the burgh without a licence. It was reported in the council minutes that,

sundrie of the wrights, journeymen and prenteissis, to the number of twentie four or thairby, committed, this day in this citie in the morning....insurectione, joyneing in ane bodie, goeing throw the haille stretis of the town with cleukis and balstones in their hand, and paseing frae house to house belonging to honest men wha had thair landis brunt, and whair stranger wreichtis wer working, and entering thairin, strecking the people thairin and abuseing and brecking all thair worklomes.<sup>65</sup>

Although there were a multitude of complaints by the burgesses about unfree traders there is no evidence that such extreme measures, as seen in Glasgow, were

taken against unfree traders elsewhere. Perhaps the determination and efforts of the authorities in the other burghs to deal with the problem, successfully or not, pacified the burgesses to some extent. In Haddington, however, the merchants in 1654 felt that the council was not doing enough to stop the abuses of unlicensed traders and they sent a petition to the Convention of Burghs, which was dealt with on 10 July 1654. It complained that 'wnfriemen vsurpis the libertie of free burgessis within thair said burgh and ar not punished by the magistratis thairof'.<sup>66</sup> Haddington's council did attempt to deal with the problem but, like the other burgh authorities in the 1650s, they found they were unable to make any significant inroads into it.

The merchant burgesses found their position increasingly undermined by unlicensed trade as the decade went on, despite the best attempts by the council to ease the pressure on them, by endeavouring to cut down on the abuses of the town's liberties. However, many found it hard to survive. In March 1656, the council of Dumbarton reported that the burgesses of the burgh were complaining of the great poverty among them, and that they were not able to pay their dues to the council.<sup>67</sup> The council officials, many of whom were also under great financial pressure, were not very sympathetic towards them. They declared that they had, in the years previously, admitted men as burgesses trusting them to pay their dues, and many had singularly failed to do so. They held up those that had failed to pay up as 'evil examples' to others, as the lack of burgess payments meant a diminishing of the common good and meant the very poorest would ultimately suffer. The council agreed that it would allow no new burgesses to be admitted unless they could prove that they could pay either in money, or in arms or leather buckets.<sup>68</sup>



## Englishmen Trading in the Burghs

For burghs who had soldiers quartered on them, the problems of trade were compounded when soldiers, and other English immigrants, began to trade within the burghs. This seems to have been a particular problem in Perth. In 1654 the council sent a letter to Monck, dated 11 September, concerning the trade of soldiers within the burgh. The council asked that only the inhabitants of the burghs should be permitted to trade and make goods within the burgh's liberties. It then went on to ask that, if this request was denied, they wanted the soldiers to pay the same taxes as they did, both the local stents as well as the national assessment.<sup>69</sup> The situation at that time was that English soldiers were trading in the burghs but were not paying any taxes or other dues, and the councils could not be forced to make them pay, as they were under the jurisdiction of the army and, therefore, free from the control of the burgh authorities. In 1655 the council still had not made any satisfactory progress with the issue of the soldiers trading in the burgh.<sup>70</sup>

In Burntisland, the council had the same problem, especially with so many soldiers billeted within the town. In October 1654, the council compensated one Adam Stenson, merchant of the burgh, for the fact his booth was 'takin up continowally wt sojory working yer and secluding himself from working frequentlie'. He was given the amount usually awarded for two men's quartering in compensation.<sup>71</sup> Burntisland, like Leith, had a large number of Englishmen trading in the burgh apart from the soldiers. In March 1655, the collector for the town, Thomas Gourlay, asked the council's advice whether or not he should tax the Englishmen living and working in the burgh. The council replied in the affirmative, telling him to 'stent these persones as other inhabitants using trade according as they sall find just



and equitable to be done according to yer trading'.<sup>72</sup> The council had problems in making the English pay what was asked of them, as in May of that year, David Seaton was sent by the council to General Monck to get a warrant in order to levy cess on the English traders and inhabitants, but also to quarter on them, as they did on the rest of the population.<sup>73</sup>

An order was made in London, in 1654, allowing soldiers freedom of trade in the burghs, and on 23 October 1654, the Burntisland council got report of a meeting of the royal burghs that was to be held in Edinburgh, for sending instructions to the commissioners to the burghs at parliament 'anent the trade of the burrowis and anent the sateing for ane qualificatioun of the act laitlie made in favouris of souldiers concerning yr friedome yrin'.<sup>74</sup> On 8 November 1654, a letter drafted by the Convention of Burghs was sent to London concerning certain aspects of the trade of the burghs. It complained of the problem of soldiers trading in the burghs, and it asked that it be forbidden that soldiers who were still in the pay of the army, or their servants, should be allowed to carry out any trade. If these men left the army, and wished to set up any in any trade in Scotland, the Convention required that they should do so only in the royal burghs, where they could be regulated by the civic authorities, and would be 'subject to the government thair of in all thingis according to the lawes and customes of that place...and sall wndirgo thair proportione of burding and wther portable chairges as wtheris in thair conditione of tread thair according to thair abilities'.<sup>75</sup> In Perth, the local situation was helped when, in August 1655, the governor of Perth intervened and sent a report to the provost, treasurer and dean of gild, saying that, as far as he was concerned, all the soldiers

trading in the burghs should bear the burden of licensed trade, with exceptions that the governor would send a list of 'and such as ar wtin His hienes pr[oc]lama[ti]on'.<sup>76</sup>

With large numbers of soldiers quartered in the city, Edinburgh had a major problem with soldiers and other English men trading in both Edinburgh and Leith. During the 1650s the council complained that, amongst other abuses, Englishmen openly kept shops, and English fleshers held illicit markets. Despite the council's attempts to get them to pay their share of the town's taxes and impositions, they often refused or delayed payment. More interestingly, the commanding officers of the garrison were not willing to help the city to force them to pay.<sup>77</sup> The fact was, that despite continual complaints by the burghs about the trading of soldiers and their unwillingness to be subject to the government and laws of the burghs, the English army command did not seem willing to help the civic authorities with this matter.

In August 1656, at a Particular Convention of Burghs in Edinburgh, the Convention addressed the issue of the English traders. It still insisted that the English were not to trade while in the army and those who were trading, they argued, should be taxed as other native burgesses and should come under the same laws and regulations of the burghs; but they should also be sure to use the weights and measures as set down by the Scottish burghs.<sup>78</sup> It seemed that the English had been using weights and measures that did not comply with the Scottish burghs' regulations. Such trade by the soldiers and other Englishmen was extremely hard on the native traders of the burghs. They were already suffering from increased financial demands from the government, and also from competition from the unfree traders. On the other hand, it was understandable that the English soldiers, many of whom had not been paid in months, should turn their hands to trade in order to survive.



In Linlithgow, the English traders continued to be a cause for concern in the first years of the Restoration. It appears that there had been Englishmen who had become burgesses of the town in the 1650s, still trading there legitimately after the army had left. On 31 August 1661, the Linlithgow council was petitioned by the English burgesses who remained in the burgh that they be allowed to continue as burgesses. The council decided that the provost and bailies would need to examine them individually before they made any decision, as

they ar not of a lyk condition, ather by thair in coming or yr behaviour befor or since tyme Thairfoir thay have continewed thame all untill Saturday nixt ordering thame to delyver the keyis of yr chop doores and breweries to the the[saure]r, And for the tryall of yr qualities behaviour abilities and what they will offer for reponing thame they have nominat provest and baillies to try and examine thair conditione<sup>79</sup>.

The actions of the council over this matter, could perhaps be construed as indicative of the hostility the Scottish burgh councils were to express for the English occupation, after the Restoration in 1660.

## **The Excise**

Added to all these problems, came the issue of the excise in 1656. In 1655, the Council of State in Scotland, as it had been instructed by central government, began to make plans for levying an excise on the country. Although there had been an excise levied in Scotland since the 1640s, the new excise was to be levied at the same rates as that in England and Wales, which were considerably higher than the Scots had previously paid.. The money collected was to be used to help pay the costs of



both the civil administration and the military occupation of Scotland. Thomas Tucker had been sent by the Council of State in London to help oversee the implementation of this matter. What was eventually agreed upon by the Council of State, was that all excise of beer, ale and aqua vitae for each shire, which was to include the burghs, was farmed out to the highest bidder. The duties on imports and exports were to be collected by customs officers, who would also be responsible for the collection of the excise.<sup>80</sup> The Scots were not entirely pleased at the prospect of yet another increase in taxation and Robert Baillie wrote in his diary of the new Council of State, that, although he personally expected them to do little good anyway, he felt sure that 'if ane heavie excise, as is said, be added to our maintenance ... our condition will be insupportable'.<sup>81</sup>

Once the farming of the excise was announced, the main concern for the burgh leaders was that the authorities in Edinburgh refused to let the burghs' excise be farmed as a separate entity from that of the shires. The burghs were very keen to control all their financial affairs and, in particular, the customs and excise. The Council of State sent out orders for all interested parties to gather at Leith for the auction of the farms of the customs and excise. At the bidding, those persons who were interested in taking the farm of the shire handed a sealed bid, on the day that their shire was being farmed out, to the English authorities. Tucker was particularly critical of the actions of the burghs, at least the larger ones. He remarked that, it appeared to him, they had wanted the burghs separate from the shires, 'under pretext of affection to the publique service, the ease and benefit of theyr poore'. What he perceived their underlying motive to be was to try to deter other bidders so that they could get the farm at cheaper rates and on their own terms. Indeed, Tucker noted that

the 'magistrates fayleing of theyr ends when they were refused at such rates as they had before profered', and instead the farms went to those who were willing to pay more.<sup>82</sup>

From some of the burgh council records it seems clear that the burghs were keen to protect their own interests and to keep control of their own finances. They did not like the idea of outsiders controlling any part their financial affairs, particularly when many of the councils' relationships with the gentlemen in their shire had previously been fraught with difficulties over payments for quartering and coal and candle (see pp 76 - 83). In Linlithgow, the order for the farming of the excise for the shire was announced at the market cross on 29 September 1655, and the same day, the council agreed that two men should be sent to Leith to see if it was possible to separate the burgh from the shire. Furthermore, they were ordered to try to take the burgh's farm as 'if a stranger be preferred yrin our towne may suffer great preiudice thairby'.<sup>83</sup> Linlithgow was partially successful, as the excise was set to Claude Hamilton, the man who had led the unofficial council in 1652. This could well have proved unfortunate for them as relations between the council and Hamilton had been rather sour (see pp 51- 53), but Hamilton agreed to 'sett thaire excise to thaime, in as easie termes as possible', and so they achieved their goal of regulating the collection of their excise, although they were not able to control the rate they paid.<sup>84</sup>

In October 1655, the council of Perth appointed two men to go to Leith with instructions to try to acquire the farm of the excise for the town. However, like the other burghs, they failed at this attempt to get the shire and the burgh separated. They became more realistic about the division of burgh and shire, and in January 1656 the



provost and one of the bailies were appointed to ride to Edinburgh to try again to take the excise of the town. It was agreed in council that, if they failed again to get it separated from the shire, they were prepared to try to take the excise of the town and shire together.<sup>85</sup> Unfortunately they failed to do either but, like Linlithgow, the council agreed to take the farm of the burgh from the person who had been granted the whole shire. Alexander Glas sold it to the council for £80 sterling, per month, for a year, and it agreed with him that Alexander Andrew, a councillor, should be a mutually acceptable collector. It was clear, therefore, that some of the burghs could find a way to collect their own excise, if they could come to an agreement with the successful farmer of the shire. This not only eased the burden on the successful farmer, as the burghs were prepared to take the responsibility for their own collection, but it also meant the burghs could retain control of their own excise.

Not all burghs were so fortunate as Perth and Linlithgow. In Fife, the burghs attempted to get the farm for all the burghs of Fife separated from the shire, and put in their own hands. They met in Leith at the auction, in January 1656, and were prepared to offer £200 sterling per month, for a year. They failed to achieve this and the farm went to Sir Alexander Inglis of Ingliston, who, it was rumoured, had out-bid them.<sup>86</sup> They saw the matter as so important to the integrity of the burghs that they were not prepared to leave it at that, and they decided to take further joint action to see what they could do.<sup>87</sup> The Fife burghs tried for the next four years to get the burghs' excise farmed separately from the shires, and set to themselves, but without success. In February 1657, David Seaton reported back to the council in Burntisland, that he had been sent as a commissioner from the burghs of Fife to try and get the burghs' excise, but despite his diligence, he had failed and the whole shire and



burghs' excise was set to Thomas Seatoun for £421. 10. 0. sterling, for the next three months.

Burntisland found it had reason to regret that the burghs did not control their own excise, as in October 1657, Jon Moncrieff and James Dewar were sent by the council to Colonel Tyler, one of the commissioners for the excise, at the garrison in Leith, to object to the fact that the collectors of the excise in Fife were demanding shore duties on a measure of unground malt, and were increasing the measures, which were already set down and regulated. The council asked for advice from Tyler what they should do in this case.<sup>88</sup> Tyler intervened on their behalf and, after examination of the matter, he wrote to Thomas Seatoun, the farmer for Fife, finding him at fault and in favour of the town's brewers.<sup>89</sup>

In Ayr, there was no mention of the farming of the excise until 1658, when it was agreed that the council would try to get the excise of 'al beir aill aquavitie within the toun and parochie of air comprehending the citiedaill and all the Inglish brewers' for the forthcoming year, which they appeared to succeed in doing.<sup>90</sup> It was not just the large burghs who wished to control their own excise and Peebles also sent two members of the council to Leith for the farming of the excise in September 1655, without success.<sup>91</sup> Not all the burghs were keen to take their own excise and, in Haddington, the council was happy for the gentlemen of the shire to take on the excise of the burgh and shire together.<sup>92</sup> This was perhaps because here, relations between the leaders in the shire and the burgh were less troubled than in other areas.

The farming of the excise was yet another financial burden the burgh councils had to contend with as the English excise was much heavier than the one imposed previously. However, the fact that it fell into the hands of those outside the burghs

was the most contentious issue, as it was regarded by the burgh authorities as a threat to the town's autonomy. The English authorities were not keen to protect the burghs' interests in this instance, as they were in such dire financial straits that they sought to extract as much money for the farm of the excise as possible. The burghs failed in their attempts to gain the excise purely because they were not willing or able to bid the price that was necessary to win the farm of the burghs and shires together. Ultimately the increased revenue gained by the English authorities from the farm of the excise was used to help protect the towns from the horrors of free quarter, that would have inevitably resulted if the costs of the military occupation had not been met.

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<sup>1</sup> T. Keith, 'Economic Condition of Scotland under the Commonwealth and Protectorate' (SHR, 1908), 284.

<sup>2</sup> *ibid.*, 282.

<sup>3</sup> *The Diary of Mr. John Lamont of Newton 1649-1671*, ed. G. K. Kinloch (Maitland Club, 1830), 35

<sup>4</sup> *Burgh Convention Recs.*, ed. Marwick, 392.

<sup>5</sup> 'Desires of Edinburgh and other burghs', Portland MSS Nxx.103, Terry. (ed.), *The Cromwellian Union*, 54.

<sup>6</sup> 'Desires of Roxburgh and Jedburgh', Portland MSS Nxxx 104, Terry (ed.), *Cromwellian Union*, 61.

<sup>7</sup> M. Ashley, *Financial and Commercial Policy under the Cromwellian Protectorate* (Oxford, 1934), 91.

<sup>8</sup> *ibid.*, 91.

<sup>9</sup> 'Report by Thomas Tucker upon the settlement of revenues of excise and customs in Scotland, A.D. MDCLVI', *Miscellany of the Scottish Burgh Records Society* (Edinburgh, 1881).

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- <sup>10</sup> *Thomas Tucker's Report*, ed. J. Murray (Bannatyne Club, 1926), 31.
  - <sup>11</sup> *ibid.*, 40.
  - <sup>12</sup> *ibid.*, 38.
  - <sup>13</sup> D. Laing (ed.), *Letters and Journals of Mr Robert Baillie, Principal of Glasgow*, iii (Bannatyne Club, 1842), 285.
  - <sup>14</sup> *A Diary of Public Transactions*, ed. Laing, 174.
  - <sup>15</sup> *Thomas Tucker's Report*, 43.
  - <sup>16</sup> *ibid.*, 44.
  - <sup>17</sup> *Edinburgh Burgh Recs.*, 1642 - 1655, ed Wood, 288.
  - <sup>18</sup> A. Dunlop, *The Royal Burgh of Ayr* (Ayr. Arch. Nat. Hist. Soc., 1953), 198.
  - <sup>19</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book 1643-1666, fo. 669.
  - <sup>20</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book 1643-1666, fo. 745.
  - <sup>21</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book 1643-1666, fo. 745.
  - <sup>22</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book 1643-1666, fo. 745.
  - <sup>23</sup> NAS, B58/13/2 Peebles Council Minutes 1652-1678, fo. 5.
  - <sup>24</sup> Cramond and Ree (eds.), *Records of Elgin*, ii, 299.
  - <sup>25</sup> *ibid.*, 301.
  - <sup>26</sup> NAS, B9/12/9, Burntisland Council Minutes 1646-1653, fo. 350.
  - <sup>27</sup> NAS, B9/12/11, Burntisland Council Minutes 1655-1660, fo. 53b.
  - <sup>28</sup> NAS, B9/12/11, Burntisland Council Minutes 1655-1660, fo. 39a.
  - <sup>29</sup> *Extracts from the Records of the Royal Burgh of Lanark 1150-1722*, ed. R. Renwick (SBRS, 1893), 163.
  - <sup>30</sup> *Burgh Convention Recs.*, 368.
  - <sup>31</sup> *ibid.*, 382.
  - <sup>32</sup> *ibid.*, 387.
  - <sup>33</sup> *ibid.*, 387.



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- <sup>34</sup> *ibid.*, 446.
- <sup>35</sup> Cramond and Ree (eds.), *Records of Elgin*, i, 299.
- <sup>36</sup> NAS, B28/7/1, Fortrose Court and Council Records, 1647-1658, fo. 17.
- <sup>37</sup> NAS, B9/12/10, Burntisland Council Minutes 1652-1655, fo. 75a.
- <sup>38</sup> NAS, B9/12/10, Burntisland Council Minutes 1652-1655, fo. 70b.
- <sup>39</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book 1643-1666, fo. 606.
- <sup>40</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book 1643-1666, fo. 607.
- <sup>41</sup> NAS, B58/13/1, Peebles Council Minutes 1604-1652, fo. 97.
- <sup>42</sup> Cramond and Ree (eds.), *Records of Elgin*, i, 298.
- <sup>43</sup> *ibid.*, 299.
- <sup>44</sup> *ibid.*, 300.
- <sup>45</sup> *ibid.*, 301.
- <sup>46</sup> NAS, B9/12/10, Burntisland Council Minutes 1652-1655, fo. 131a.
- <sup>47</sup> NAS, B9/11/10, Burntisland Court Book, 1646-1655, fo. 131a.
- <sup>48</sup> NAS, B9/11/10, Burntisland Court Book, 1646-1655, fo. 143b.
- <sup>49</sup> NAS, B9/12/10, Burntisland Council Minutes 1652-1655, fo. 74b.
- <sup>50</sup> NAS, B9/12/10, Burntisland Council Minutes 1652-1655, fo. 60b.
- <sup>51</sup> NAS, B9/12/10, Burntisland Council Minutes 1652-1655, fo. 88b.
- <sup>52</sup> NAS, B9/12/11, Burntisland Council Minutes 1655-1660, fo. 117b.
- <sup>53</sup> NAS, B9/12/11, Burntisland Council Minutes 1655-1660, fo. 19a.
- <sup>54</sup> NAS, B9/12/11, Burntisland Council Minutes 1655-1660, fo. 95a.
- <sup>55</sup> NAS, B9/12/11, Burntisland Council Minutes 1655-1660, fo. 95a.
- <sup>56</sup> NAS, B9/12/11, Burntisland Council Minutes 1655-1660, fo. 98a.
- <sup>57</sup> B59/16/4, Register of Acts of Town Council of Perth, 1652-1654.
- <sup>58</sup> B59/16/4, Register of Acts of Town Council of Perth, 1652-1654.
- <sup>59</sup> B6/18/2, Ayr Council Book, 1640-1668, fo. 96a.

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- <sup>60</sup> NAS, B58/13/2, Peebles Council Minutes 1652-1678, fo. 34.
- <sup>61</sup> B16/1/1/3, Dumbarton Council Minute Books, 1650-1655.
- <sup>62</sup> B60/6/1, Pittenweem Council Minutes, 1629-1727.
- <sup>63</sup> *Burgh Convention Recs.*, 401-2.
- <sup>64</sup> *ibid.*, 420.
- <sup>65</sup> *ibid.*, 396.
- <sup>66</sup> *ibid.*, 381.
- <sup>67</sup> B16/1/1/3, Dumbarton Council Minute Books, 1650-1655.
- <sup>68</sup> B16/1/1/3, Dumbarton Council Minute Books, 1650-1655.
- <sup>69</sup> B59/16/5, Register of Acts of Town Council of Perth, 1654-1658.
- <sup>70</sup> B59/16/5, Register of Acts of Town Council of Perth, 1654-1658.
- <sup>71</sup> NAS, B9/12/10, Burntisland Council Minutes 1652-1655, fo. 88a.
- <sup>72</sup> NAS, B9/12/11, Burntisland Council Minutes 1655-1660, fo. 4a
- <sup>73</sup> NAS, B9/12/11, Burntisland Council Minutes 1655-1660, fo. 8a.
- <sup>74</sup> NAS, B9/12/10, Burntisland Council Minutes 1652-1655, fo. 88b.
- <sup>75</sup> *Burgh Convention Recs.*, 394.
- <sup>76</sup> B59/16/6, Register of Acts of Town Council of Perth, 1654-1659. This proclamation has not been traced.
- <sup>77</sup> *Extracts from the Records of the Burgh of Edinburgh, 1655-1665*, ed. M. Wood (Edinburgh, 1940), p. xxxv.
- <sup>78</sup> *Burgh Convention Recs.*, 394.
- <sup>79</sup> NAS, B48/9/3, Linlithgow Town Council Minute Book, 1659-1673 .
- <sup>80</sup> *Thomas Tucker's Report*, 20.
- <sup>81</sup> D. Laing (ed.), *Letters and Journals of Mr Robert Baillie, Principal of Glasgow*, iii (Bannatyne Club, 1842), 289.
- <sup>82</sup> *Thomas Tucker's Report*, 4-5.
- <sup>83</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1643-1666, fo. 566.

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- <sup>84</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1643-1666, fo. 582.
- <sup>85</sup> B59/16/5, Register of Acts of Town Council of Perth, 1654-1658.
- <sup>86</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 18a.
- <sup>87</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 74a.
- <sup>88</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 95a.
- <sup>89</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 95a.
- <sup>90</sup> B6/18/2, Ayr Council Book, 1640-1668, fo. 140a.
- <sup>91</sup> NAS, B58/13/2, Peebles Council Minutes, 1652-1658, fo. 28.
- <sup>92</sup> NAS, B30/13/5, Haddington Council Meeting Records, 1656-1658.



## The Kirk and the Burghs

As outlined in the introduction the most voluble objections to the Cromwellian regime came from the church. In the burghs the church began to lose much of the influence it had gained over secular politics in the 1640s during the years of Cromwellian occupation. This was mainly due to two factors. Firstly, the divisions within the church meant that it could not provide an effective focus for a counter-force to the English occupation. Secondly, the situation in Scotland in 1652 meant that the urban authorities were faced with the practical problems imposed by the English occupation. As Dow commented, it was a fact that the laity had more reason to come to terms with the English than the clergy did, as 'compliance with the English was necessary if they were to retain their goods and property, and salvage the remnants of their political and social influence in the localities once the union with England had gone through'.<sup>1</sup> Therefore, the abandoning of certain of the principles of the Covenants by the civic authorities, by co-operating with the new regime, was a purely pragmatic response to the political situation. The English may have realised this early on; and so, by granting the burgh élites what they wanted in terms of maintaining the political structure of the burghs intact, they were able to move the burgh leaders away from the influence of the church parties and towards a purely practical course for civilian government.

As well as the loss of influence in burgh politics, the loosening of the church's grip on the government of the country after the collapse of the Kirk party regime in 1651 seems to have been generally of very little consequence to urban society. Nicoll

hinted in his diary at the effect the divisions and factions in the church had had on secular politics. He said of the state of the nation in November 1651:

Yit our distressis by the Englishe was moir tollerable and les chargebill  
nor these that wer inflicted upone us be our awin natives, who take all  
their money land, impose havie taxatiounes, impositiounes, cessis,  
excyses, monethlie maintenance...eitting up the haill substance of the  
land; and this all done under a syde cloak of pieitie and religioun.

In addition to this, he was glad to see the end of all

the manifold fastis and dayis of humiliatioun, quhilk hes nevir bene  
effectuall.<sup>2</sup>

In burgh records, there is little evidence that religious leanings of the burgh personnel to either Resolutioners or Protesters affected burgh councils' actions. Typically the council and the kirk were still closely linked at a local level, with the burgh authorities continuing to help in collecting money for, and organising, repairs to the church buildings. The kirk leadership, however, had little direct influence in the running of the burghs or, it seems, over the political allegiance of the burgh officials. The kirk's influence over the population in the burghs remained purely in the realm of the spiritual welfare of their parishioners and in the exercise of session discipline.

The continued divisions between the Resolutioners and the Protesters that raged throughout the 1650s had very little effect on the internal politics of the burghs, with the exception of Glasgow (see pp 274-275). Indeed, when Perth council turned its attentions to the vacancy of the ministry in the burgh in December 1652, it was reminded by one of the kirk session, Hugh Nicoll, to 'maintain good agreement



among themselves' when making its appointment.<sup>3</sup> The council did report that there were divisions amongst the elders of the kirk session, but they expressed their wish that they would settle their differences for the good of the burgh.<sup>4</sup> In most cases, kirk sessions and burgh councils worked well together throughout the decade. Indeed, in the area of justice, where the kirk session continued to exert some influence, the secular and the religious complemented each other well.

The kirk sessions continued in their role of upholding the moral order of their parishes, and continued to search out and try cases of moral turpitude such as fornication, adultery, slander, wife beating, witchcraft and religious misdemeanours such as Sabbath breaking. Although the civil magistrates also had a certain jurisdiction over these offences, the religious and the secular courts managed, during the 1650s, to work together well, despite the increase in the powers the civilian courts had over these matters, particularly with the setting up of the Commission of the Peace in 1656 (see pp278-279).

The central authorities were sensitive to the fact that there was a conflict of interests evident in the area of local justice, and they worked out a compromise with the church so that the two justice systems complemented each other. This translated itself relatively easily to the burghs, where it appears from the kirk session records that the civilian authorities were happy to leave the vast majority of moral offences to be tried by the church elders. The burgh magistrates were already overwhelmed with secular matters, and only the more severe of cases heard by the kirk session were passed on to be tried in the burgh court. Kirk sessions' efforts to search out and try those who committed moral sins were particularly important at a time when there were large numbers of soldiers quartered on the country, and the likelihood was that



sins of various natures would increase. As will become clear, the kirk sessions were kept busy during the 1650s with the moral welfare of the inhabitants of the towns and in particular the young women in their parishes.

The central government was keen to allow the work of sessions to continue in the parishes, despite its attempts to review the whole of the Scottish Justice system. It was cheaper and easier to allow the ecclesiastical discipline to continue to act as an effective moral police force, which the civil authorities could reinforce with civil penalties. It had the added advantage of promoting stability in the country as it allowed the men of the kirk session to retain some of their powers over the population, but an increasingly powerful civilian judiciary, with powers derived from the English parliament, was established as the ultimate sanction. In the 1650s, it was not dangerous to give the kirk elders this power in the localities as 'the energies of the kirk session were harnessed to the maintenance of military discipline'.<sup>5</sup>

The sessions' efforts to control the moral behaviour of the people, and the inhabitants of the towns especially, were particularly welcome in a period when there was much social upheaval and a great deal more movement of the population. The civic authorities in various burghs blamed the influx of immigrants at this time for the increase in disorderly behaviour, such as drinking and swearing, and so the kirk elders' efforts to help combat this was extremely important. The use of testimonials which were given out by the kirk session, as a guarantee of good conduct, to those who wished to move from the parish to another area, was the main way in which the urban authorities attempted to keep control of the movement of the population. When an immigrant came to a town, he or she was expected to show their testimonial to

either the kirk session or, more often, to the burgh council, as evidence of good character before they were allowed to settle in the burgh.

The kirk sessions' endeavours to control the moral order of the townsfolk also benefited the army as any control of the excesses of the people would inevitably result in less disorder in the towns where soldiers were quartered. Although the number of moral offences increased in the period, judging by the numbers of cases in the kirk session records, yet the multitude of cases brought before the session meant that the kirk authorities were being vigilant and diligent. The tighter control they had over the population the less chance there was of disorder in the towns. The efforts of the kirk sessions, the burgh councils and army discipline, all worked together and succeeded in keeping a tighter grip on order in the burghs.

If religious commentators were to be believed, the English occupation threatened to subvert the morality of the whole country. A letter from James Guthrie to Lord Wariston, two leading Protesters, reported the depravity that was, he said, evident in Stirling, where he found that 'Sathan hes a heigh thron; a profan loosnesse of sojourns and scots people meeting together; drunkenesse, blasphemy and uncleanness, 60 or 80 knouen fornications, and errors among the Englishes'.<sup>6</sup> It was true that the efforts of the kirk session were most called on in the burghs where there were soldiers quartered, and particularly in those towns, such as Stirling, which had a garrison and permanent quartering. The presence of soldiers, in large numbers, in the burghs led to increased numbers of moral offences being committed during the period. Despite the tight military discipline that the army effected, it was inevitable that where soldiers were quartered in close proximity to burgh inhabitants, there would be frequent lapses in good behaviour on both sides. The offences committed



in garrison towns usually fell into two main areas. Firstly, the sins of adultery, fornication, scandalous carriage and lewd behaviour which involved young women of the parish, and other women who came into the town with the soldiers. The other area was of more concern for the overall order of the burgh; that was the drunkenness, Sabbath breaking and swearing that increased amongst the population.

It was not just the arrival of the English army that had caused these problems. As kirk session records show, in burghs where soldiers had been quartered in the 1640s, there had been increases in the number of offences committed of the same nature. The Elgin session records show that the elders had been kept relatively busy at the end of the 1640s as the burgh had been quartered on by soldiers then as well.<sup>7</sup> The abuses that were evident in the 1640s, especially those of Sabbath breaking and fornication, continued in the 1650s; all that changed was the nationality of the soldiers. In December 1651, the session in Elgin decided to suspend their activities until they could 'sie what the Inglisch armie doth', but they resumed their meetings at the end of January 1652, once it was clear that the occupation was to be permanent and a political settlement imminent.<sup>8</sup> The session was kept very busy from 1652 onwards, mostly with cases of fornication, and those caught drinking with the English troops in the town. This involved not only locals but also many women, who appeared to have followed the soldiers into the burghs. This caused the magistrates and the session much concern, and these women were dealt with severely when they were caught.

The case of Janet Grant from Elgin was typical. She was alleged to have been caught in fornication with several soldiers, and also to have been drinking with them. She 'being a knowne loune', was ordered to remove herself from the town within 48



hours, or else be handed over to the town's magistrates to be 'convoyed out with the hangman'.<sup>9</sup> It was difficult for the authorities to stop these women coming into the burgh, and many who were banished returned. There was little the authorities could do but to continue to banish them from the burgh, but they also tried to stop the urban inhabitants giving them lodgings. The Elgin kirk session punished a woman who was found guilty of the offence of 'resetting of hoors and banished lounes'.<sup>10</sup> The women who followed the soldiers around from one quarter to the next caused many of the burgh authorities problems, as not only did they have to find quarter for the soldiers, but also they had to deal with the disruptive influence of these women. In Dalkeith, on 2 August 1657, it was reported by an elder of the kirk session that a local woman, Margaret Glas, had gone off with an English trooper, a Mr. Dangerfield, and it was reported that they had gone to Leith 'to live ther, amongst ye Englisches'.<sup>11</sup> This may have removed one sinful woman from the parish but it only moved the problem on to somewhere else.

In Elgin, in 1652, 44 cases of fornication came before the session; in 1653, it was 26. In 1654, it was 27, despite the session being unable to function for much of the year because of the incoming of English and rebel troops.<sup>12</sup> The usual punishment for fornication was to do public penance on three successive Sundays<sup>13</sup>, although in one case six month's penance was apparently imposed.<sup>14</sup> It was not just the women who had to answer to the session, and on some occasions the soldiers were asked to appear before it to answer the allegations. This increase in cases of fornication was not solely the responsibility of the English soldiers, and many Scotsmen were charged with the offence also. The atmosphere in the towns led to an increase in moral offences in general; however, after the English army left in 1660,

there are very few cases of fornication recorded, even involving Scotsmen. There was some evidence that the Scots were not always the willing partners in crime with the soldiers; on 18 May 1652, James Dunbar, a parishioner in Elgin, accepted that he had allowed soldiers to drink in his house during the time of Divine service on a Sunday. He did however plead that he had been unable to stop them, although he had tried.<sup>15</sup> Not all the soldiers caused trouble and it is interesting to note that Dunbar's behaviour was brought to the attention of the session by another Englishman.<sup>16</sup>

In Dalkeith, after 1653 the kirk session records began to show that the session's activities increased after a new minister had been installed in the parish. The session began to act with more vigour, probably under the direction of the new minister. It began to clamp down heavily on the moral outrages which were committed frequently in the parish as there were many soldiers quartered on them.<sup>17</sup> These were usually fornication, adultery, drunkenness, profanity and Sabbath breaking of greater proportions than anything seen in the previous ten years. A lot of this increase must certainly, in part, be due to the fact that the kirk session had little else to do but revive its role as moral police, and so was more rigorous in its policing of the community. Most of the cases dealt with fornication and adultery committed by the women of the parish with English soldiers, an inevitable result of quartering on the burgh. There were also confessions of those that had sold ale to English soldiers on the Sabbath and all through the night,<sup>18</sup> and of Scotsmen accused of drinking and playing cards on the Sabbath with the soldiers.<sup>19</sup> In one case, of 15 May 1659, a local man accepted that he had been drinking with soldiers from Captain Winter's company, but he denied that he was involved in any fighting.<sup>20</sup> The session was kept busy throughout the decade, so much so that in February 1655 some of the elders



desired that there would be a new election as they wished to be eased of the burdens of the kirk session 'having bene long upon the charge'.<sup>21</sup>

Burntisland, as a garrison town, had more than its fair share of cases of fornication. As early as June 1651, when the English army had just occupied the burgh, the session was already complaining about the 'menasse of the sin of fornica[ti]one in this place'.<sup>22</sup> Not only that, but the elders complained that those who were found guilty of it, took it too lightly.<sup>23</sup> This was one of the signs that the kirk had lost some of its control over the inhabitants of the town and, with so much disruption in the country, the authorities had to endeavour to assert their control over the populace. From January 1652, the kirk session in Burntisland was busy with cases of fornication, scandalous carriage, drinking, and also entertaining vagabond strangers. Its task really increased after August 1654, most probably because of the repercussions of having so many troops passing though the burgh on the way to the Highlands during Glencairn's rising. Most of the entries concerned women accused of fornication and of lesser sins, such as 'haunting Inglishmens companies' or 'leud behaviour with Inglishmen'.<sup>24</sup> There was also a marked increase in the number of women in the burgh who were particularly accused of fighting and scolding.<sup>25</sup> As well as its work dealing with sinful activities, the Burntisland session, like many other sessions, gave out a large number of testimonials, particularly after 1655. This suggests that the population was on the move probably to look for work, particularly as trade continued to be depressed. It was easier for the population to move, in the period after 1655, when the stability of the country had been secured with the defeat of the Royalist rebellion in the north.<sup>26</sup>



In Burntisland, as elsewhere, the cases of fornication dropped away after the first half of 1660 with the births of the last of the illegitimate children resulting from the liaisons between soldiers and local women.<sup>27</sup> In 1661, there was the same number of cases of fornication in Burntisland as there had been in 1637. The number of cases of Sabbath breaking fell, although there were still more than in the 1640s, which suggests that the local kirk had lost some of its influence over the urban population. It could be the case that the large number of offences discovered by the kirk sessions shows an increase in the effectiveness of their policing the burghs. However, once the soldiers had left the towns, it was easier for the session and the magistrates to police the local community, although the liberating effects of the 1650s may still have been felt in some ways.

Hamilton had many problems with troopers in the 1640s and its kirk session was used to dealing with large numbers of fornicators, Sabbath breakers, drunkards and profaners. The session had ordained in 1646 that those who were caught for fornication for the third time were to be 'set on the cros on ane mercat day wt ane paper on thair heid and the magistrats to adjoyne wt the sessioun'.<sup>28</sup> How bad matters were before the English occupation may be judged by the case of an Arthur Tarbit, who was brought before the session in October 1646 for allegedly calling the town of Hamilton 'sodomey'.<sup>29</sup> The co-operation that existed in Hamilton between the civil magistrates and the church in the 1640s in pursuing those moral offenders continued throughout the 1650s. The first case of fornication with an Englishman to appear before the session in the burgh occurred in June 1651, after the session began to hold regular meetings.<sup>30</sup> These had been disrupted from November 1650, due to the enemy occupation.<sup>31</sup> In November 1651, one man was accused of swearing and

drunkenness and 'in his sport he sold wiffe, bairnes and all he had to the Inglishe men'.<sup>32</sup> As in other places, women who were found to have been living with English soldiers, or drinking with them, were often forced to leave the parish, under the threat of excommunication.<sup>33</sup> In Hamilton, as elsewhere, the majority of cases reported involved drinking and fornication. Here, however, the number of fornication cases remained at the high level of the 1640s. On the other hand, the number of people found guilty of drunkenness during the period of English occupation increased quite considerably.

The kirk session in Hamilton found drunkenness to be most prevalent on a Saturday night. In January 1656, the session, finding its punishments of offenders were not an effective deterrent, agreed to go through the town to the alehouses to actively search out any drunkards.<sup>34</sup> By the beginning of 1656, the cases were getting so numerous that the elders began to hear cases over just one or two meetings of the session, where previously many cases had taken weeks to be heard.<sup>35</sup> After the English army left in 1660 there was, as in other burghs, a dramatic drop in the number of cases of all sins brought before the kirk session.<sup>36</sup> The increase in drunkenness and the seeming inability of the session to curb the excesses seem to be further proof that the kirk's authority did not carry as much weight as it once had. Indeed, there is evidence in the kirk session records in Hamilton that those brought before the session were not as repentant as they should have been. In one case, a man accused of drunkenness, defended the sin of drinking,<sup>37</sup> much to the amazement of the kirk elders. In another, a man who was brought before the session abused the sessioners and called them 'Quakers'.<sup>38</sup>



The burgh of Linlithgow also found itself inundated with cases of drunkenness and fornication involving English soldiers, although there were many cases committed by Scotsmen as well.<sup>39</sup> In the towns of the 1650s it was hard for the authorities to keep such close control on all their inhabitants, as formerly, particularly with so many soldiers quartered on it. There seems to have been a certain breakdown in social control in the burghs despite the attempts by both civilian and church courts to clamp down on it. In the burghs without garrisons, such as Pittenweem, the experience of the 1650s was totally different. The town had no soldiers quartered on it and the kirk session found itself fairly quiet. It was also fortunate as it did not have a problem with the increase in the number of immigrants coming into the burgh; if anything, more people asked the session for testimonials to leave, in order to look for work elsewhere.<sup>40</sup> Pittenweem's general state of economic decay was further exacerbated in this period due to the appalling state of the harbour and the lack of trade. It was therefore not going to attract large numbers of economic immigrants. The session nevertheless remained vigilant, but it found little in the burgh to worry it unduly, and on one occasion it sent two elders through the burgh to look for cases 'anent any scandall concerning women that dwell alone' but none was found.<sup>41</sup>

In Peebles, where quartering was sporadic and the burgh was also very poor, the kirk session found there was little increase in the number of cases it dealt with. The poverty of the burgh was clear from the number of testimonials given out to the inhabitants, many to go to Ireland, and numerous other entries for collecting money for poor relief.<sup>42</sup> There were, however, still a few cases of fornication and quite a



number of scandalous drinking charges, which tended to coincide with the times when the English troops were in the burgh.<sup>43</sup>

The significant increase in the number of cases of fornication and other sins in the country, due to the presence of the English troops, was just a part of a larger picture. The revival of justice and the stability the English occupation brought, with the reorganisation of the justice courts implemented by the 'Commissioners for the administration of justice', meant that attempts were being made to introduce a more effective judicial system in Scotland.<sup>44</sup> The searching out and trying of sins by the kirk session was a vital part of this at a local level. The sessions concentrated on moral issues and dealt only with those of minor importance, leaving the major cases to the civilian magistrates. The creation of the Commission of the Peace added another dimension to powers of the civilian magistrates in the burghs, which served only to complement the work of the kirk session. With these changes, it was not surprising that there were so many cases of immoral behaviour being recorded. Nicoll wrote in his *Diary* of the times that he observed that 'incest and bestialitie greatlie increst within this natioun, and moir within these sex or sevin yeris nor within these ffytie yeiris preceding and moir'.<sup>45</sup> It was unlikely that the 1650s saw such a huge moral decline amongst the Scottish people as Nicoll describes. Although more sins were being recorded, the increase may also, in part, be due to the fact that many cases were being sought out and dealt with in a more effective manner than they had before.

## Co-operation between the Kirk and the Burgh Authorities

In most burghs, the magistrates and the kirk session worked well together to control the behaviour of the inhabitants. In Elgin, the session and the magistrates had an effective working relationship. In December 1653, an elder and a council officer were ordered to attend the fish market to ensure that there was no swearing.<sup>46</sup> In Peebles, the elders passed offenders on to the magistrates if the crime was more serious than usual; for example, slander was dealt with by the kirk session, but occasionally more inflammatory cases would be passed over to the magistrates. However, as the council and the kirk session in Peebles consisted of the same men, it little mattered which court the person was tried in.

The effect of the setting up of the Commission of the Peace, which allowed the Justices of the Peace to try crimes which had traditionally come under the remit of the kirk session, could have caused problems between the religious and civilian authorities at a local level. It does not seem to have caused many problems, and the work of the Justices of the Peace can be seen in kirk session records, where it added a new dimension to the sessions' work. In Dalkeith, in 1657, the session began to send more people to the town's bailies, who were acting as Justices of the Peace, for punishment.<sup>47</sup> In one case, in July 1657, when a man was brought before the session for a second charge of excessive drinking, he was rebuked by the elders and sent to the bailies for further punishment.<sup>48</sup> The Elgin kirk session appeared to give the Justices of the Peace its blessing, as it noted in the session book that when the court was about to be held for the first time the Justices were 'admonished to be faithfull in their charge' by the elders.<sup>49</sup> The first case sent to the Justices in Elgin by the session, on 29 January 1657 was a case of witchcraft.<sup>50</sup>



The kirk sessions appeared to send only serious cases to be tried by the Justices of the Peace, and continued to try offences covered by the new act such as fornication and Sabbath breaking. Only if the cases were more complicated or serious than the norm were the defendants referred to the civilian magistrates. In Burntisland, in May 1656, Margaret Mastersone was sent before the Justice of the Peace because she had given birth to a child, less than six months after she was married. The session suspected that the child had been conceived while her former husband was still alive, but that it was not his child, the father being her new husband. It was also concerned that the parties involved were 'being without any sense of the sinfulness of that deid', therefore, it recommended the two for civilian censure.<sup>51</sup> In Hamilton, the only cases sent before the Justices of the Peace were those of the serious offence of adultery.<sup>52</sup>

There are very few records left for the Justices of the Peace for the burghs in this period. Linlithgow's court is one of them, but unfortunately, they do not provide us with a typical view. In most burghs, the church split of 1649 into two rival factions, that caused so much confusion and division at a national level, affected local communities very little. This was because, in most cases, the elders and the councillors of the burgh usually belonged to the same church party. In Linlithgow, however, the burgh was divided; the majority of the congregation supported the Protesters but the council supported the Resolutioner party.<sup>53</sup> In 1655, the council and the kirk session disagreed over the choice of the new minister; although the council was keen to see James Ramsay as minister, the kirk session refused absolutely.<sup>54</sup> The council declared that the vast majority of the congregation wished to see him as minister also and, finding itself unable to come to an agreement with



the kirk session, it petitioned the commissioners for the visiting of the universities, whose remit included the settling of ministers in vacant parishes, 'desyring thame not to continance any that the kirk sall present to thame to be thair minister'.<sup>55</sup> The council was successful, and James Ramsay was approved as minister for St. Michael's kirk by the commissioners on 26 February 1656.<sup>56</sup>

The army was still using the church in Linlithgow as a storehouse and a stable but, the council wrote to the commander in chief in Edinburgh to request use of the church to preach in. Monck sent orders that, to help solve the problem of the division within the kirk, a warrant was granted, to be implemented by the governor of the Palace, that the church was to be divided in two, and the council was to give a bond of £5,000 for the council's 'peaceable deportment and not wronging nor molesting the garisone and for the building of the mid wall and richtlie proportioneting the expenss yr of[?]'.<sup>57</sup> The division of churches had already been ordered in certain churches in Edinburgh where the congregation was divided, but it was unusual in a smaller burgh like Linlithgow. The council agreed to the division and met with the gentlemen of the parish to discuss the financing of the building of the wall.<sup>58</sup> The Protesters were by far the most numerous party in the parish and they were given the chancel, which was the furnished part of the building. The council and the other Resolutioners were left with the nave.<sup>59</sup> The total cost of building the wall came to the sum of £379.3.0 sterling, which was to be divided between the two groups.<sup>60</sup>

There was no evidence that, in Linlithgow, the burgh council and the kirk session approached each other with regard to their work concerning disorder in the burgh, as was the case in other towns. This appears to have been due to their religious differences, as the session approached the interim council appointed in

January 1652, (see pp 59- 63) over certain matters of mutual concern. It may have been the case that the new council, elected in January 1652, consisted of members of the Protester party, as the session seemed keen to work with them. In January 1652, the kirk session ordered that the magistrates were to be acquainted with the names of those servants that it had caught sitting in the streets on a Sunday.<sup>61</sup> In February 1652, the kirk session, on hearing that the council had made an act for punishing drinkers and swearers, sent some of their number to go to the council to express their desire that the council carried out this act, but also to 'take order with the members of the Counsell fund in these faultis'.<sup>62</sup> However after the Resolutioner council was elected in April 1652, there was no further contact with the kirk session recorded. The only evidence there is to suggest that the two sides were actually at variance with one another appeared in the kirk session records on 8 January 1655. A woman who had failed previously to appear before the elders, to answer the charge of adultery, replied that she had been threatened by Andrew Duncan, one of the bailies, not to appear before the session or she would be put out of the town.<sup>63</sup> Despite its differences with the council, up to 1655 the kirk session managed to carry on its own business without interference from the civic authorities.

Whether or not the introduction of the Commission of the Peace and the division of the church would have increased the hostility between the two parties cannot be ascertained, as the kirk session records stopped abruptly in April 1655.<sup>64</sup> What can be deduced is that the Justices of the Peace in Linlithgow took on some of the role formerly the monopoly of the kirk session. They punished a man who was found guilty of spreading a false rumour about a local woman being pregnant with a soldier's child by making him stand in the church with a paper on his breast



declaiming his sin.<sup>65</sup> Such a punishment was a mixture of religious and civilian punishment, and was strange coming from a purely secular court. The breakdown of the relationship between the kirk session and the council, and the lack of session records, means that there is no way to ascertain whether the bailies, who ran the Justice of the Peace courts in Linlithgow, were trying cases that would otherwise have been dealt with by the kirk session, as they were in other burghs. They were certainly dealing with cases of Sabbath breaking, drunkenness and fornication that were within their jurisdiction, but which in other towns were dealt with by the elders. They also dealt with a case of witchcraft, and more secular crimes involving theft, the excise, and contravening of the acts of brewing.<sup>66</sup>

Only on very rare occasions did the division in the church affect the everyday business of burgh councils. In Dumbarton, the council was concerned over the state of the hospital in the town, which had no preacher, needed a new roof, and had vacancies for the 'aged poor', which could be filled easily by the civic authorities.<sup>67</sup> However, all this needed the consent of the patron of the hospital, the Laird of Buchanan, John Buchanan of that Ilk, whose father had founded the institution.<sup>68</sup> The council, with the consent of the minister and the kirk session, chose two burgesses, Donald McAlpine and Walter Watson, to go to the laird at Kilmarnock to ask for his permission to carry out the tasks needed to return the hospital to its full working capacity.<sup>69</sup> The answer which they received was not very satisfactory; the two burgesses reported that the laird had replied that he would not negotiate with the burgh on this matter. He promised he would refer the matter to the lawyers and gentlemen, but that he would not deal with any 'kirkmen'.<sup>70</sup> The council found they



could do nothing more about the matter, as they had no jurisdiction over the hospital.<sup>71</sup>

The kirk session in Burntisland was kept busy all through the period and, by the end of 1657, the number of fornication cases, usually involving Englishmen, was enormous, but secondary to the problem of the plurality of cases of Sabbath breaking. These seemed to increase dramatically in Burntisland in the latter years of the decade, despite countless ordinances against it, particularly those ordering parents and masters to be careful of their children and servants.<sup>72</sup> The session began to complain that many found guilty of this offence failed to recognise it as a sin. This decline in morality, and lack of respect for the kirk's doctrine, meant that the session's ability to pass the offenders to be tried by the civilian courts was more effective in dealing with the offence. The problem of Sabbath breaking was felt to be so serious that, on 8 March 1659, the session in Burntisland ordered that four boys found playing at the east port be handed over to the civil magistrates to be incarcerated, until they found someone to 'finde cautione for yr better ceariag in tyme to come'.<sup>73</sup> Many of those found guilty of sabbath breaking were the boatmen who ferried people to and from Leith. With the increased movement of the population, civilians and soldiers, and the economic hardships faced by all the inhabitants of the town, it is perhaps not surprising that the boatmen took what work came their way, even if it was on a Sunday. Civilian justice became the ultimate censure in the burgh and the working of the kirk session had become subordinate to it. Its role as a police force for the civic authorities became its most important one. Although the kirk had lost much of its influence in local secular politics, by working

with the urban magistrates it was able to continue with its work acting as the moral guardian of the population.

It was not just the presence of the army that caused the loss of influence the kirk had over some of the inhabitants of the burghs. There is some evidence that it happened even in the smaller burghs, which did not experience the same disruptive influence of the soldiers. In Pittenweem, the session was forced to approach the council to ask it to back up the order it had made that forbade the use of pipers at weddings.<sup>74</sup> This use of a piper had grown, although it was not permitted by the session. The council, in order to try and stamp out this abuse, ordered that if a piper was used the bridegroom would be fined four pounds Scots and the piper 40 shillings Scots.<sup>75</sup> The sobriety expected at weddings was being ignored in other burghs; the Burntisland elders also complained of problems of 'piping and promiscuous dancing' at weddings.<sup>76</sup>

The session assisted the burgh magistrates in many areas of their work in the burghs. In Burntisland, in January 1657, the session sent the elders to search through the quarters of the town to look for people living there who had not brought sufficient testimonials from the place where they came from.<sup>77</sup> It also punished women who housed vagabonds in their houses.<sup>78</sup> These were crimes that, properly, came under the jurisdiction of the civilian magistrates. When those who had recently come into the burgh produced their testimonials, the session was careful to examine them, and on some occasions it declared them to be false and ordered new ones to be obtained from the place where the immigrant had last lived. Such caution was prudent, as there were people who were tempted to obtain false testimonials if they



did not possess legitimate ones. In Hamilton, an apprentice was found guilty of forging two testimonials for vagabonds.<sup>79</sup>

The work of the kirk was very important in the burghs during the 1650s, as a certain breakdown in the social fabric of society is evident, caused, mainly, by the disruption of the occupation of the country by the English army. This lent itself to increased numbers of moral offences being committed in the burghs. As the civic authorities tried to return all aspects of the burghs to a certain normality, despite the difficulties they faced, the policing work carried out by the church, at a local level, was of great assistance.

### **The Quakers**

The burgh authorities, despite distancing themselves from the influence of the kirk in the realm of politics, were still fearful for the Presbyterian system in Scotland. One of the major worries of the burghs in the 'Desires' of 1652 was that toleration would be allowed in Scotland.<sup>80</sup> In the burghs there was little need to be fearful, although Nicoll recorded that Edinburgh had been overrun with independent congregations as early as 1653, and that 'Anabaptistes daylie increst in this natioun, quhair nevir nane wes befoir, at leist durst not avow thamselffis'.<sup>81</sup> He said that every week there were baptisms at the mill at Bonnington, with up to fifteen people being baptised a day watched by crowds of several hundred.<sup>82</sup>

Although Independent congregations concerned the kirk, more of a worry to the Scottish authorities was the fear that the missionary work of the Quakers would begin to influence the population. Nicoll noted in 1655 that the number of Quakers had increased in the city 'being deludit by sathan', and that they would walk through



the streets, naked except for their shirts. By 1656 he reported that, at the end of April and the beginning of May, 'multitudes of Quakeris increst, both men and wemen, alsweill Scottis as Englische, and publictlie shew thameselfis throw the streitis of Edinburgh'.<sup>83</sup>

If Nicoll is to be believed, the country was becoming over-run with Quakers and Independent churches, who used the army in Scotland as their foothold to the Scottish people. Of these, the Quakers seem to have worried the Scottish authorities most. There were Quaker missionaries in Scotland from 1653, and the first Quaker meetings were held in Scotland in that year.<sup>84</sup> The first Quaker to preach in Edinburgh was John Bowrom, who preached in the open air in 1653.<sup>85</sup> As well as Nicoll's observations, there were also complaints from officers at the Leith garrison about the increase in Quakers in Leith and Edinburgh, and they noted that the Quakers boasted of many converts in the west of the country.<sup>86</sup> Despite these reports, and records of the Quaker missionaries who came into Scotland in this period, the movement only showed any real strength in Edinburgh, and in Aberdeen. Even in Edinburgh, the Quaker missionaries were not entirely successful as, although they had been left unmolested for a good part of the decade, after 1658 the Edinburgh council began to take action against them after the army purged them from its own ranks.<sup>87</sup>

In general, the vast majority of converts were from the army and the Quakers never achieved any real foothold in the civilian population. The civic authorities in other towns were never keen to allow them into the burghs to preach, and there are very few recorded cases of Quaker activity in the burghs, despite the soldiers quartered there being the obvious target of the missionaries. Robert Baillie, a

Resolutioner minister from Glasgow, was most concerned about the Quakers who he thought were 'like to prove troublesome: they increased much among the English both in England and Ireland'; however, his worries, as far as the Scots were concerned, proved unfounded.<sup>88</sup>

There were a few cases recorded of Scots being converted to the ways of the Quakers. In Hamilton, there seem to have been a number of cases of Quakers brought before the kirk session. In October 1656, a family of alleged Quakers was given two warnings by the presbytery, that they would be excommunicated if they did not reject Quakerism.<sup>89</sup> In December 1656, there was a note that Quakers in Glasford, Hamilton and Kilbride were to be excommunicated in front of the whole presbytery.<sup>90</sup> George Hutcheon, a parishioner of Hamilton, was tried and examined by the kirk session for being a Quaker in June 1657. He had refused to sing psalms during the divine service, and had told the kirk he did not pray 'in his family', thus the council suspected him of Quaker leanings.<sup>91</sup> He gave in a paper to the session containing his religious beliefs which the session found 'full of these erroures tending to subversion of the sundarie fundamentals in religion'.<sup>92</sup> He was sent to the presbytery, who later excommunicated him in March 1658, along with another woman from Hamilton parish also accused of being a Quaker.<sup>93</sup> Hamilton seems to have been exceptional, as there is no evidence in the kirk session records of other small burghs, consulted for this thesis, where Quakers were such an issue.

The burgh councils were concerned about the spread of Quaker doctrine, and they were not keen to have Quakers preach in their burghs, as they were fearful of what they saw as their subversive view of religion. In August 1659, the Linlithgow council received a warning that there were Quakers coming to preach in the town on



a Sunday. In order to prevent them, it sent one of the bailies to Monck in Dalkeith. Monck replied that, from then on, one of the soldiers from the garrison was to prevent any of the Quakers from crossing the bridge into the burgh on any day that there was to be preaching, until the sermons were over and all the people had gone home.<sup>94</sup> By doing this, he prevented the Quakers coming into the churches, when they would often wait until the sermon was over, and then preach themselves.<sup>95</sup> The rise of the Quakers was not usually a serious cause for concern in the burghs outside Edinburgh and Aberdeen. The community was too tightly controlled by the civic authorities and the kirk session for there to be any serious threat to presbyterianism.

It is surprising, however, that the Quakers did not have more success in Linlithgow as the wife of Colonel Lytcott, the governor, was reputedly a convert to Quakerism and in 1656, George Fox, the Quaker missionary noted in his diary that a meeting was held in the hall of the Palace at her request, and that 'ye governor was very much satisfied w[i]th w[ha]t was declared and very loving'.<sup>96</sup> Whether or not he had religious leanings this way, Lytcott did not declare himself a Quaker. When they were purged from the army in 1658, he remained governor of Linlithgow palace. There were some Quaker sympathisers amongst the army in Burntisland as well. Fox recorded that a meeting was held there at a Captain Poole's house, and he noted that both Poole and his wife converted.<sup>97</sup> Not all army officers were so keen on the Quaker missionaries, and in Perth the governor of the citadel 'raised a whole company of foote' and banished Fox and two other Quaker missionaries from the burgh. Fox related in his diary that, as they were being escorted from the town, they began to sing, and the people came onto the streets to see them. The soldiers who



were guarding them were, apparently, so ashamed of their actions that they 'saide they had rather have gone to Jamaica then to garde us soe'.<sup>98</sup>

If there were many soldiers in Scotland who were Quakers, they did not pass their beliefs onto the townsfolk. If these new doctrines were to spread from the English soldiers, then the burghs were surely the place it would most easily happen, as the quartered soldiers lived in such close proximity to the Scots. Fox had noted that most of the believers in Scotland were not the Scots themselves but English soldiers and their wives.<sup>99</sup> Indeed, at a meeting they held in Glasgow, not a single Glaswegian had attended it.<sup>100</sup> In Stirling, too, the Quaker missionaries had found it impossible to set up a meeting, as the inhabitants were so hostile towards them.<sup>101</sup> The fear of the spread of the Quaker doctrines amongst the Scots appears to have been unfounded in most urban areas. The presence of the English army, and the new freedom of religious belief that the union had brought, had little effect on most towns. If the kirk had lost some of its influence over urban society, presbyterianism itself was still strongly ingrained in the Scottish psyche, despite the divisions in the kirk.

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<sup>1</sup> Dow, *Cromwellian Scotland*, 41.

<sup>2</sup> *A Diary of Public Transactions*, 64.

<sup>3</sup> PL, B59/16/4, Register of Acts of Town Council of Perth, 1654-1658.

<sup>4</sup> B59/16/4, Register of Acts of Town Council of Perth, 1654-1658.

<sup>5</sup> Smith, 'Scotland and Cromwell', 228.

<sup>6</sup> *Diary of Sir Archibald Johnston of Wariston, 1650-1654*, ii, ed. D. H. Fleming (SHS, 1919), 314.

<sup>7</sup> Cramond & Ree (eds.), *Records of Elgin*, ii, 256.

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- <sup>8</sup> *ibid.*, 280.
- <sup>9</sup> *ibid.*, 280.
- <sup>10</sup> *ibid.*, 281.
- <sup>11</sup> NAS, CH2/84/2, Dalkeith Kirk Session Records, 1641-1666, fo. 31b.
- <sup>12</sup> Cramond & Ree (eds.), *Records of Elgin*, ii, 282.
- <sup>13</sup> *ibid.*, 281.
- <sup>14</sup> *ibid.*, 290.
- <sup>15</sup> *ibid.*, 280.
- <sup>16</sup> *ibid.*, 280.
- <sup>17</sup> NAS, CH2/84/2, Dalkeith Kirk Session Records 1641-1666, fo. 7a.
- <sup>18</sup> NAS, CH2/84/2, Dalkeith Kirk Session Records 1641-1666, fo. 45b.
- <sup>19</sup> NAS, CH2/84/2, Dalkeith Kirk Session Records 1641-1666, fo. 45a.
- <sup>20</sup> NAS, CH2/84/2, Dalkeith Kirk Session Records 1641-1666, fo. 45a.
- <sup>21</sup> NAS, CH2/84/2, Dalkeith Kirk Session Records 1641-1666, fo. 13a.
- <sup>22</sup> NAS, CH2/523/1, Burntisland Kirk Session Minute Book 1650-1661, fo. 202b.
- <sup>23</sup> NAS, CH2/523/1, Burntisland Kirk Session Minute Book 1650-1661, fo. 196a.
- <sup>24</sup> NAS, CH2/523/1, Burntisland Kirk Session Minute Book 1650-1661, fo. 203a.
- <sup>25</sup> NAS, CH2/523/1, Burntisland Kirk Session Minute Book 1650-1661, fo. 202b.
- <sup>26</sup> NAS, CH2/523/1, Burntisland Kirk Session Minute Book 1650-1661, fo. 203b.
- <sup>27</sup> NAS, CH2/523/1, Burntisland Kirk Session Minute Book 1650-1661, fo. 2015b.
- <sup>28</sup> NAS, CH2/465/7, Old Hamilton Kirk Session Records, 1645-1661, fo. 15s.
- <sup>29</sup> NAS, CH2/465/7, Old Hamilton Kirk Session Records, 1645-1661, fo. 19.
- <sup>30</sup> NAS, CH2/465/7, Old Hamilton Kirk Session Records, 1645-1661, fo. 65.
- <sup>31</sup> NAS, CH2/465/7 Old Hamilton Kirk Session Records, 1645-1661, fo. 68.
- <sup>32</sup> NAS, CH2/465/7 Old Hamilton Kirk Session Records, 1645-1661, fo. 68.
- <sup>33</sup> NAS, CH2/465/7 Old Hamilton Kirk Session Records, 1645-1661, fo. 87.



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- <sup>34</sup> NAS, CH2/465/7 Old Hamilton Kirk Session Records, 1645-1661, fo. 87.
- <sup>35</sup> NAS, CH2/465/7 Old Hamilton Kirk Session Records, 1645-1661, fo. 89.
- <sup>36</sup> NAS, CH2/465/7 Old Hamilton Kirk Session Records, 1645-1661, fo. 108.
- <sup>37</sup> NAS, CH2/465/7 Old Hamilton Kirk Session Records, 1645-1661, fo. 81.
- <sup>38</sup> NAS, CH2/465/7 Old Hamilton Kirk Session Records, 645-1661, fo. 81.
- <sup>39</sup> NAS, CH2/465/7 Old Hamilton Kirk Session Records, 1645-1661, fos. 78-79.
- <sup>40</sup> CH2/833/2, St. Adrian's Kirk Session Minute Book, 1653-1655.
- <sup>41</sup> CH2/833/2, St. Adrian's Kirk Session Minute Book, 1653-1655.
- <sup>42</sup> NAS, CH2/420/1 Peebles Kirk Session Minutes, 1658-1665.
- <sup>43</sup> NAS, CH2/420/1 Peebles Kirk Session Minutes, 1658-1665.
- <sup>44</sup> Smith, 'Cromwell and Scotland', 104.
- <sup>45</sup> *A Diary of Public Transactions*, 202.
- <sup>46</sup> Cramond & Ree (eds.), *Records of Elgin*, ii, 284.
- <sup>47</sup> NAS, CH2/84/2, Dalkeith Kirk Session Records 1641-1666, fo. 31a.
- <sup>48</sup> NAS, CH2/84/2, Dalkeith Kirk Session Records 1641-1666, fo. 31a.
- <sup>49</sup> Cramond & Ree (eds.), *Records of Elgin*, ii, 288.
- <sup>50</sup> *ibid.*, 289.
- <sup>51</sup> NAS, CH2/523/1, Burntisland Kirk Session Minute Book, 1650-1661, fo. 204b.
- <sup>52</sup> NAS, CH2/465/7 Old Hamilton Kirk Session Records, 1645-1661, fo. 95.
- <sup>53</sup> R. Coupar, *The Parish Church Of Linlithgow* (Edinburgh, 1927), 14.
- <sup>54</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 574
- <sup>55</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 559.
- <sup>56</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 584
- <sup>57</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 586.
- <sup>58</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 586.
- <sup>59</sup> Coupar, *The Parish Church of Linlithgow*, 14.



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- <sup>60</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 528.
- <sup>61</sup> NAS, CH2/740/1, Linlithgow Kirk Session Records, 1651-1655.
- <sup>62</sup> NAS, CH2/740/1, Linlithgow Kirk Session Records, 1651-1655.
- <sup>63</sup> NAS, CH2/740/1, Linlithgow Kirk Session Records, 1651-1655.
- <sup>64</sup> NAS, CH2/740/1, Linlithgow Kirk Session Records, 1651-1655.
- <sup>65</sup> NAS, B48/8/21, Minute Book of the Justice of the Peace Court of Linlithgow, 1656-1686.
- <sup>66</sup> NAS, B48/8/21, Minute Book of the Justice of the Peace Court of Linlithgow, 1656-1686.
- <sup>67</sup> B16/1/1/2, Dumbarton Council Minute Books, 1650-1655.
- <sup>68</sup> B16/1/1/2, Dumbarton Council Minute Books, 1650-1655.
- <sup>69</sup> B16/1/1/2, Dumbarton Council Minute Books, 1650-1655.
- <sup>70</sup> B16/1/1/2, Dumbarton Council Minute Books, 1650-1655.
- <sup>71</sup> B16/1/1/2, Dumbarton Council Minute Books, 1650-1655.
- <sup>72</sup> NAS, CH2/523/1, Burntisland Kirk Session Minute Book, 1650-1661, fo. 208b.
- <sup>73</sup> NAS, CH2/523/1, Burntisland Kirk Session Minute Book, 1650-1661, fo. 212a.
- <sup>74</sup> B60/6/1, Pittenweem Council Minutes, 1629-1727.
- <sup>75</sup> B60/6/1, Pittenweem Council Minutes, 1629-1727.
- <sup>76</sup> NAS, CH2/523/1, Burntisland Kirk Session Minute Book, 1650-1661, fo. 211b.
- <sup>77</sup> NAS, CH2/523/1, Burntisland Kirk Session Minute Book, 1650-1661, fo. 207b.
- <sup>78</sup> NAS, CH2/523/1, Burntisland Kirk Session Minute Book, 1650-1661, fo. 207a.
- <sup>79</sup> NAS, CH2/465/7, Old Hamilton Kirk Session Records, 1645-1661, fo. 105.
- <sup>80</sup> 'Desires of Edinburgh and other burghs', Terry (ed.), *The Cromwellian Union* (SHS,1911), 54.
- <sup>81</sup> *A Diary of Public Transactions*, ed. Laing, 106.
- <sup>82</sup> *ibid.*, 106.
- <sup>83</sup> *ibid.*, 107.

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- <sup>84</sup> G.B. Burnet, *The Story of Quakerism in Scotland 1650-1850* (London, 1952), 14.
- <sup>85</sup> *ibid.*, 18.
- <sup>86</sup> 'Timothy Langley to Thurloe', *Thurloe State Papers*, i, 708-709.
- <sup>87</sup> Burnet, *Quakerism in Scotland*, 20.
- <sup>88</sup> D. Laing (ed.), *Letters and Journals of Mr. Robert Baillie, Principal of Glasgow*, iii (Bannatyne Club, 1842), 323.
- <sup>89</sup> NAS, CH2/465/7, Old Hamilton Kirk Session Records, 1645-1661, fo. 96.
- <sup>90</sup> NAS, CH2/465/7, Old Hamilton Kirk Session Records, 1645-1661, fo. 94.
- <sup>91</sup> NAS, CH2/465/7, Old Hamilton Kirk Session Records, 1645-1661, fo. 96.
- <sup>92</sup> NAS, CH2/465/7, Old Hamilton Kirk Session Records, 1645-1661, fo. 96.
- <sup>93</sup> NAS, CH2/465/7, Old Hamilton Kirk Session Records, 1645-1661, fo. 100.
- <sup>94</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 745.
- <sup>95</sup> Burnet, *Quakerism in Scotland*, 20.
- <sup>96</sup> *The Journal of George Fox*, i, ed. N. Penney (Cambridge, 1911), 297.
- <sup>97</sup> *ibid.*, 304.
- <sup>98</sup> *ibid.*, 305.
- <sup>99</sup> *ibid.*, 305.
- <sup>100</sup> *ibid.*, 303.
- <sup>101</sup> *ibid.*, 303.

## **The Relationship between the Burgh Councils and the English Authorities**

The use of Scotsmen in various positions of power during the Cromwellian regime falls into two distinct periods: firstly, the period up to 1655 when the military regime was the primary governing body of the country; secondly, the period starting with the introduction of the Council of State for Scotland in 1655 and the subsequent move by the government in London towards a more civilian based government. Up to 1655 the English had offered positions of power to any Scots who were willing to work with the new regime, and this had often resulted in the exclusion of those men who had been the traditional leaders in the country, at both local and national levels. In most cases this exclusion was self-imposed as many were not willing to take any role that would be regarded as compliance with the enemy. Before 1655 the English had had to be content with those Scots who saw the opportunity for power and were willing to co-operate with the English to get it. Many of them had little or no experience of government and this may have reduced the effectiveness of the English rule, and resulted in a more volatile situation as a whole, as the Scottish population was not only under a new government but also was without many of their established and well experienced local leaders.

However, in the period after 1655 the nature of the government of Scotland began to change. With the introduction of a more conciliatory, civilian based government in 1655, the English authorities began to encourage those who had previously been excluded to come back into their traditional positions of power. Many had refused to do so because of religious convictions, but by the second half of



the decade they were being encouraged back into local government. One example of this is the case of Alexander Brodie, a leading Protester, who had noted in his diary in June 1653 that 'the scum of men were gotten up to places of government' under the new regime. By July 1656, he himself was acting as Justice of the Peace at Forres despite a few qualms as to how he would answer to his fellow Protesters, and Lord Wariston in particular, for his compliance.<sup>1</sup> With the crushing of the rebellion in the north by 1655, and the official sanction of the 'Declaration of the Act of Union' in 1654, the English occupation looked set to continue indefinitely. Many established figures therefore reluctantly returned, encouraged by the English authorities, to take up their traditional roles in government posts. It was in the interests of the English government to encourage them to do so, as the return of the traditional rulers, to all levels of government, could only result in a more complete integration of the Scots into the new regime. This would give the country more stability and the union more permanence.

However, urban government in Scotland was the exception to this general picture of the country during the 1650s. As we have seen from the makeup of the councils that accepted the Tender of Incorporation in 1652, and those that worked with the English military authorities before 1652, the established urban elites were keen to continue in power under the new regime. The municipal elections of 1652 and the subsequent elections during the 1650s show that the burghs remained under the control of the same urban oligarchies that were in power in the 1640s and that continued to remain in power after the Restoration in 1660. Throughout the English occupation the same powerful families controlled urban government in Scotland as they always had, with the prominent exceptions of Glasgow and Edinburgh. The

continuity in urban government may appear relatively insignificant, in comparison with the major political changes that occurred at national level. However, for those who lived in the towns controlled by the urban élites, life under the Cromwellian regime bore much similarity to life under the Covenanting regime, and it provided continuity to the years following, at least in terms of local government.

By examining the makeup of the council personnel throughout the 1650s and beyond, it is clear that there was no major shift in power in any of the smaller burghs consulted for this thesis. In Peebles the same men who were elected in 1650 were elected throughout the following decade and on into the 1660s. The same continuity from the 1640s through to the 1660s can be seen in the council records of Elgin, Burntisland, Kirkcudbright, Hamilton, Dumbarton, Pittenweem, Perth, Ayr and Linlithgow. In the case of Haddington, the council records exist only from 1656 but the same council members elected in that year were also elected in the 1660s. The same is true of Fortrose where the records start in 1654, and the same council members elected in that year continued in power after the English regime ended in the 1660s.

The refusal to accept the Tender of Incorporation in 1652 appears to have been no hindrance to the continuing of councillors in power in some burghs. There was no record of any acceptance by Ayr of the Tender of Incorporation, but the council records show that the councillors for the burgh who were elected in 1652 were the same men who had been in power in the years before this. Their seeming unwillingness to accept the Tender earlier in 1652, was obviously no barrier to them taking power again in the burgh. As with all other officials elected under the new government, the councillors in Ayr would have had to take the oath of allegiance to



the Commonwealth, and in doing so, they declared themselves willing to work with the English. Their reticence in accepting the settlement was obviously not held against them by the English authorities.

The burgh records present no real evidence that the Cromwellian regime provided the opportunity for power to those who had been outside the *élite* before, at least in the context of urban government. Indeed, as the case of the council of Linlithgow in January 1652 showed, those who did seize the opportunity for power were soon replaced by the old order as soon as the political settlement became a reality and normal elections resumed (see pp 59-63). In some ways the short period they were out of office may have spurred on the old *élite* in Linlithgow to regain their positions. The crime of the interim councillors lay mainly in their usurpation of power out of the hands of the traditional oligarchy, and not, as was claimed later, their compliance with the enemy, as all parties were, in practicality, prepared to do that.

There were, of course, individuals who could not square compliance with the enemy with their religious consciences, but these men appear to have been the exception rather than the rule in most burghs. For the burghs which were such an integral part of the Covenanting regime of the 1640s, this change of allegiance and the rush to accept the new regime, almost before the political settlement was in place, were the beginning of the pragmatic course they were to follow throughout the period. It certainly worked in their favour, for by doing so they retained their individual power and managed to protect the ancient rights and privileges of the burgh councils under union. What they achieved by their compliance with the English, during the course of the occupation, will be assessed later.



For each individual councillor the agreement to work under the new regime was a gamble. If the Commonwealth union collapsed their actions as individuals might be held up to question in the future, and their power and influence could have been lost altogether. However, the safety in their actions came as a group embodied in the council as a whole. Similarly, just as the actions of individual burghs might be held up to question, so the collective actions of all the Scottish burghs offered them all a certain amount of immunity from any retribution. The welfare of the burghs was their collective aim, and this ideal extended down into each individual burgh. It was much easier to comply with the enemy if there was a common ideal that what they were doing was for the good of the burghs in general and it offered, in theory at least, a certain excuse if one was needed in the future. Probably none of the burgh councils were sincerely committed to the English regime. Local government in the shires was more disparate in nature, and more in the hands of individuals. They, like those persons who had power at a more national level, could have been leaving themselves much more open to criticism and accusation in the future by their actions in actively supporting the English regime if that regime ever collapsed.

It is also impossible to ascertain how much of the individual council members' actions were controlled by self-interest rather than the welfare of the burgh as a whole. We cannot be sure how much each individual was motivated by the wish to retain his own personal power and influence in the burghs, but what can be said is that the job of a council official in the 1650s in the Scottish burghs was a particularly arduous one. At a time when the burgesses needed to turn their attention to the rebuilding of their trade and businesses, the increasing amount of magisterial and council work that was needed to regulate the burghs was a heavy burden on each

individual. The widespread poverty amongst the inhabitants of the burghs, and the continuing lack of trade in the country, resulted in increased burdens and hardships for all the burgesses in the burghs, including those that served on the councils. In addition to this, the renewed vigour of council business that was needed after 1652, in order to restore some sort of normality to the towns, only heightened the burdens of responsibility on many of those council officials. There were signs in all the burghs of the strain of the increasing amount of council business that was being carried out by the towns' officials.

In Burntisland, in June 1652, the council had to delay the election ordered by the Commissioners of Parliament because of the plurality of business they were concerned with at that time.<sup>2</sup> This heavy workload continued throughout the decade and, in November 1654, the bailies of Burntisland reported to the council that they were finding their offices too onerous and time consuming. They therefore asked if the council would agree to their being relieved of their offices. The council were unwilling to do so, possibly because they would have found it difficult to get others to take their place. They replied that they would not hinder the bailies if they wished to take their case to a meeting of the rest of the councils of Fife to be decided. It is probable that the rest of the council must have had some sympathy for their plight as they agreed to pay their expenses to go to the meeting.<sup>3</sup> There is no record of what the outcome was, but we must presume that the bailies' case was rejected as there is no evidence of new bailies being appointed by the council. The job of bailie in the burghs must have been a particularly onerous one in Burntisland at this time: in October 1655 David Seaton asked that he should 'heure[sic] furth be frie and exempted of his said office and all burdning yrof'.<sup>4</sup> Seaton acted throughout the



decade as the burgh's regular commissioner to both the English in Edinburgh, and also to the meeting of the burghs of Fife, and therefore it was understandable that he found it difficult to carry out the task as bailie, in addition to his other burgh work.

From mid 1655 onwards there seems to have been an increasing tendency for councillors in all the burghs to absent themselves from meetings, more frequently than they had done in the previous decades. In May 1655, in Burntisland, the council issued a warning that all councillors had to appear at the next meeting, and to ensure their attendance improved, as many had become slack in the previous few months.<sup>5</sup> This reminder had some effect as only one councillor was warned again in September 1655, as he had not been to the council since June of that year.<sup>6</sup> However, the attendance for councillors in the years from 1655 onwards continued at levels below that of 1652 to 1655, and there were frequently long lists of absentees from council meetings recorded. Council business seems to have increased since 1654 and it was likely that the councillors were finding the pressure of council business a little too arduous.

In Peebles there were many absentees from the council meetings noted by 1655. The council issued a reminder on 29 October 1655 that those who absented themselves from council meetings without a valid excuse were liable to be fined.<sup>7</sup> In Fortrose, the council which had started meeting again in 1654 found that, by 1656, it was proving difficult to get men to become councillors at all. Twelve of the previous incumbents re-elected on 8 October 1656 had to continue in their offices because of the paucity of the council numbers.<sup>8</sup> Of those who were still councillors, by March 1657, the council complained that many were still absenting themselves from the meetings. The council ordained that any who did so wilfully three times without a



valid excuse were to be denied power for ever.<sup>9</sup> This threat had little effect, as the election on 6 October 1657 showed that there were still many absentees at the council meeting, and those who attended were unsure as to whether to hold an election at all. In the end they agreed to do so in order to continue the council work in the burgh.<sup>10</sup>

The introduction of the Justice of the Peace courts added increased volume and pressure of business to some of the burghs. In Pittenweem, where the bailies were to take over the role of Justice of the Peace, they refused to accept office altogether. Although Pittenweem was small, and the amount of council business was not particularly heavy compared to that in towns where there were soldiers quartered, the extreme poverty of the burgh meant that the bailies were not prepared to take any more time away from their livelihood for the implementation of new local government policy.<sup>11</sup> In August 1656 the burgh of Burntisland had still more problems with its bailies due to their need to find a way to make a living. On this occasion, the council was informed by the bailies that they intended presently to go to sea. The council urgently needed to get men to replace them in order to keep the burgh running smoothly, especially as one other bailie, Thomas Gourlay, had already gone to sea. Three of the council were chosen to nominate men to act as bailies until the next election at Michaelmas, to replace those leaving. This desertion of public duty by the bailies, due to their personal economic necessity, led the council to voice their fears that 'the toun will be left destitute of magistratis if new men be not provydit'.<sup>12</sup>

In Edinburgh, where the debts of the city grew dramatically in the years under the Cromwellian occupation, the council noted in June 1658, that many council

officials were discouraged from taking office, or continuing in office after one year, as they were 'lyable in their persones to all the publict debts of the Cittie'.<sup>13</sup> The problem in the late 1650s was, therefore, not that of being unable to fill the councils with men willing to be loyal to the English regime, but rather that of finding men who were willing to sacrifice a lot of time and money for the welfare of the burgh.

The level of work the civic authorities carried out in the 1650s was well above the level of the 1630s and 1640s, in all cases studied. The increase in the volume of business began to become evident in the council records as soon as the English occupation brought a certain stability and framework within which the burghs began to work in 1651 and 1652. This volume increased with the political settlement of 1652 as the burgh officials began to restore their authority over the burghs. The amount of council business that was undertaken did not decrease much in the period after 1652, and in most cases it remained steadily at a high level until 1660. Sometimes this pressure of council business had a positive side. In Lanark, certainly, the council was kept busy and, in September 1659, it eventually decided that the councillors were to be exempt from quartering due to their heavy workload. Only in the case of an emergency were they to be quartered on - if there was a sudden transient quarter or if large numbers of soldiers were sent to the town.<sup>14</sup>

If the magistrates and councillors felt that they were under increased pressure in office it is not clear whether the inhabitants of the burgh appreciated this extra workload on their elected officials. It is almost impossible to ascertain how the inhabitants of the burghs viewed the burgh councils' work during the Cromwellian occupation. In general, there was little evidence of any trouble directed against the civic officials, but as we are relying on council records to make up the picture, it is



not entirely clear what ordinary people thought. There was little evidence in the council records of disagreements between the inhabitants and the burgh authorities, and what was reported there was usually of minor importance. There was some evidence to suggest that the inhabitants regarded the burgh officials as the source of their miserable condition, rather than the English. In Linlithgow, in July 1653, the council records show that a John Napier and his wife Jayne, set on the provost and bailies in the High Street, when the officials were returning from the riding of the marches, and began 'curseing and raling aginis the stent maijeris, with such profanitie and blasphemie and such vtterence and violence and in such termes as wes not fitten to be exprest'.<sup>15</sup> This violence directed against the council concerned taxation, and it appeared that Napier and his wife attacked the council members as they regarded them as being the source of their financial burdens, rather than the English central authorities that had imposed them.

Nicoll who, in his diary, expressed his disquiet with the council in Edinburgh backs up this view. The source of his discontent, like that of the Napiers, was primarily financial matters, and he complained bitterly at the increase in poverty of ordinary people in the city, and the heavy taxation levied by the council. He placed the blame for the taxation of the people squarely at the door of the Edinburgh city council, and placed no blame on the English authorities, whom he praised for their fairness in the area of justice.<sup>16</sup> It is very revealing that Nicoll blamed poor management by the magistrates and council as the source of the people's problems and did not attack the English who placed the financial pressures on the burghs in the first place. If Nicoll's view was typical of the inhabitants of the towns, then this was



a success as far as the English were concerned. The burgh council bore the brunt of unpopular opinion even though it was merely carrying out government policy.

One particular grievance Nicoll remarked upon was that the council levied a stent on the inhabitants to fund certain tasks, but never carried them out. He complained bitterly in October 1655 that a cess had been imposed on the inhabitants of Edinburgh

for buying of hors and kairtes, for careying away and transporting of the filth, muk, and fuilzie out of the clossis and calsey of Edinburgh, quhich much greived the pepill; and so much the moir, because the pepill resavit no satisfactioun for thair money, bot the calsey and clossis continued moir and moir filthie, and no paynes takin for cleynging the streitis.<sup>17</sup>

Indeed, Nicoll was not keen on the burgh officials at all, and he noted that, although 'povertie increst daylie' yet 'at this tyme it wes daylie sene, that gentill women and burgessis wyffes haid moir gold and silver about thair gown and wyliccoat tayles nor thair husbandis haid in their purses and coifferis'.<sup>18</sup> He also complained of abuses in the market place of the blown mutton, diseased meat, fusty bread, and faulty weights and measures, all of which he felt the council ignored, leaving the 'pepill and pur abused and neglected' in the city.<sup>19</sup>

Despite this gloomy view of the council of Edinburgh, Nicoll did however point out that such poor urban government existed only in Edinburgh, and he was full of praise for councils in other burghs who, he said, were seen as more equitable and careful in looking after their inhabitants.<sup>20</sup> Nicoll's views cannot be taken at face value, but perhaps there is some truth in this statement. Edinburgh's financial and social burdens were much greater than in any of the other burghs. The scale of the

financial demands on the city was almost insurmountable as it had been ordered to pay £540 out of every £10,000 sterling levied each month for the assessment.<sup>21</sup> The council were forced to leave their common works unpaid for years after they were completed, the interest on the town's debts was left unpaid, and the ministers' stipends fell into arrears.<sup>22</sup> The accusations aimed by Nicoll at the council officials however were unjustified, as they had to pay sums out of their own pockets whenever emergencies arose.<sup>23</sup> Indeed, in 1656 the council had to find £5,000 sterling, which was £60,000 Scots, for the building of the army citadel at Leith, a sum which the town could little afford.<sup>24</sup> It had to levy half on the merchants and tradesmen, and the other half on the heritors. This was a very heavy burden as there was as little trade in the capital as there was in the other burghs in the country during the 1650s. The city council found it very hard to keep abreast of the continual financial demands, and unlike other burghs, found itself constantly in arrears for the assessment. On 16 July 1656 the city collector noted that 'there remaines ane considerable soume unpeyit' for the last six months, and as he was also expected to collect the first £2,000 sterling towards the building of the citadel, he reported to the council that he had found it impossible to gather the amounts stipulated by them. He threatened to resign if the council did not try to gain some delay from the English for the gathering of the amounts. At the same council meeting the treasurer who collected the imposition on malt, David Wilkie, asked to be relieved of his office, also due to the pressure of collecting the vast sums required to keep on top of the demands.<sup>25</sup> By August the Edinburgh council had collected £19,029.10.0 towards the sum of £24,000 it was expected to pay by 1 August 1656 for the citadel. The council



had to pay £4,000 for the shortfall itself, which was to be repaid to it from the cash of the imposition.<sup>26</sup>

If the inhabitants in the burghs did object to their councils' financial demands, it was surprising that the change of allegiance of the burgh officials did not appear to cause concern among them. The lack of evidence for any disquiet amongst the population is not entirely surprising as we are relying on the official council records, but there is no mention of it anywhere except in isolated incidents in Linlithgow and in Glasgow. Both these incidents, as have been explained, stemmed from the differences between factions of the two rival church parties. Other burghs seemed to have been free of trouble, perhaps as in the majority of the cases, urban government remained free from the interference of the church parties.

### **The English Authorities' Attitude to the Burgh Councils**

If the councils' eagerness to work with the English authorities can be explained by political expediency, it is also easy to see why the English authorities were so keen to let the burgh councils carry on as before, and to allow men to continue in positions of power who had not been totally committed to the English occupation. By allowing the traditional rulers, who had been in power prior to the occupation, to continue to take civic office, it ensured that there was an effective personnel to run urban government, and provided continuity and stability in the burghs that would not have been possible had they had removed the ruling oligarchies. This also helped smooth the passage into the era of the union, and avoided the increased effort needed to try to find men committed to the ideas of the Commonwealth to take over the running of urban government. Nominal loyalty to the regime was seen as being adequate, as the



English authorities still retained control, not only by the presence of large numbers of troops stationed in and around the burghs, but also ultimately by having the power to remove the burghs' liberties and freedoms if they wished. The burgh elites were undoubtedly relieved that the English wished not to interfere in the make up of burgh government, nor indeed, as the military authorities showed in the run up to the political settlement, in the everyday running of the burghs.

Once the burghs accepted the Tender of Incorporation in 1652, they were allowed to express their views on the settlement, in their 'Desires' which were submitted to the English Commissioners. One of the common themes in the 'Desires' of the burghs was their wish to be restored to their former liberties and freedoms, and to be allowed to hold new elections or continue their old leaders in power. They were granted their liberties by the Commissioners and allowed to hold their elections in the spring of 1652, provided they took the oath of allegiance to the Commonwealth. That done the burghs were allowed to carry on, as normal, without any further interference from central government. However, by the autumn of 1653, with the increasing unrest in the Highlands, the Council of State in London decided that the municipal elections, which were due to take place at Michaelmas of that year, were to be suspended until further notice. Lilburne sent orders to that effect to all the burghs, which stated that the burgh officials already in office should continue until further notice.<sup>27</sup> An order for new elections was not issued by the English government until 1655. The reasons for the halting of the elections was never officially given, but it was perhaps, part of security measures to prevent trouble at election time in the towns, and to continue those who were loyal to the regime in their offices at a time of increased tension.

If these were the English authorities' reasons for the halting of the elections then they may have been totally unnecessary, at least in those areas of the country not directly affected by the rising. Interestingly, the order originated with the government leaders in London, not with the commander in chief in Edinburgh. The men who held seats on the municipal councils in 1653 were loyal to the Cromwellian regime for reasons of expediency. They were not committed, in any way, to the ideals of the union but they found it amenable to work within the framework the English regime provided. It was unlikely, therefore, that there would be any problems with elections even during 1653 and 1654 as the councillors had demonstrated themselves to be practical politicians who were unlikely to do anything to compromise their positions. Added to this many of the burghs were still quartered on by a large army presence, and trouble of any sort was unlikely in such an atmosphere. In the north things were different, and here it was probably necessary to halt the elections due to the disruption the rebellion brought, although it would have been surprising if municipal elections had produced a new set of officials.

It is unlikely that elections held at this time would have resulted in the election of radically different personnel on to the burgh councils anywhere in the country. This was one of the major issues about burgh government in the Cromwellian era. This continuity in burgh government was important if the burghs were to survive the extreme upheaval that the Cromwellian occupation brought with it, coming after the dislocation of the previous decade. Smith noted in her thesis, that there was little evidence of major change in the country during the 1650s in the burgh records, as things seemed to progress as normal.<sup>28</sup> This was due for the most part to the efforts of those on the burgh councils to try and resume normal burgh life and to re-establish



the towns in their previous patterns. It was the fact that those who were experienced in council business were still at the helm that made this possible.

In return for allowing the burghs to continue as before the English authorities achieved well functioning urban centres that they could use as a firm foothold to infiltrate their authority into the rest of the country. The suspension of the municipal elections of 1653 to 1655, was therefore pointless to a certain extent, and only caused the urban authorities annoyance that they were not free to carry on their elections as normal. The continuation of the burgh elections in 1653 would have been unlikely to cause any upsets in the makeup of the burgh councils because the same practical reasons for accepting office in 1652, after the political settlement was agreed, still existed in 1653.

When the call came for the elections to be stopped the burgh councils seem to have accepted it without too much concern. Linlithgow council did send two representatives, Andrew Glen and George Bell, to see the commander in chief at Dalkeith to petition him to let the councils continue their elections as usual. If they failed to achieve this, the men were ordered to get clarification of the council's legal position. They wanted to be sure that, if there were no new elections allowed by Lilburne, they would still be allowed to hold the burgh court, and to carry out their other offices as normal.<sup>29</sup> Burntisland agreed to halt its election, as the instruction ordered, although it had agreed at the previous council meeting to let the seven members who had not been councillors that year take office at the next election. Unfortunately, these men had to wait another two years before they could take up these positions.<sup>30</sup> In Perth, the council agreed to do as it was commanded, although as in other burghs it may have caused increased pressure on the already



overburdened officials, as they had to continue in office.<sup>31</sup> It would have been very foolish to carry on with the elections with such a large army presence in these burghs and the officials could do little but comply with the army's orders. In Elgin the council received the news without any argument, although being in the north, nearer the disturbance, it was perhaps safer for them to delay their elections anyway. Although the burghs accepted the orders, a Particular Convention of the burghs was held in October 1653, where the burghs decided to take action collectively against the suspension of the elections. The provost and bailies of Edinburgh were asked to write to William Thompson, the burgh's agent in London, to lobby on behalf of all the towns for the reinstatement of the elections.<sup>32</sup> It was unlikely that they would succeed in their attempts, as the suspension of the elections was a matter of security, and the liberties of the burghs were secondary to this when the regime in Scotland was being threatened.

The news of the suspension of the elections may have come as little of a surprise to the burghs, as in June of 1653 Colonel Fairfax had broken up a meeting of the General Convention of burghs being held in Cupar. The commissioner from Edinburgh reported to his council that while the commissioners from the burghs had been preparing themselves in Cupar for the meeting

ane certane number of armed men partlie horsmen and partlie futen quhos commander caused the commissioners of the burrowis quhom he could then find in the Toun to pas to their leagure at Strutheris to Colonell fairfax quho (conforme to ane ordor quhich he affirmed he had fra Colonell Lilburne commander in chiefe did command all saids commissioners to pas to their awen homes or dissipat themselfis and na

ways to keip the said conventioun nor to meet again until further orders.<sup>33</sup>

Such moves against the burghs were unprecedented, but the prohibition of the Conventions of the burghs lasted only a short time and the English authorities permitted them to carry on, without hindrance, at the end of 1653.

In April 1654, Lieutenant General Monck had been given instructions by Cromwell, when he was appointed commander in chief of the forces in Scotland, to suspend any magistrates, sheriffs or officers found to be incapable or dangerous.<sup>34</sup> There is no evidence that any of the burgh magistrates were suspended due to this order, but what was more worrying, as far as the burghs were concerned, was that on 11 August 1654, the Council of State in London passed an ordinance that gave power to the Commissioners for the Administration of Justice in Scotland to appoint magistrates and councils in the Scottish burghs for the next year.<sup>35</sup> Thankfully, this order was countermanded before it could be put into practice, and, instead, the burgh officials in power already, were to continue in their offices as they had done in 1653. This continued suspension of elections, although not popular, was much more acceptable to the burghs, than the appointment of officials from sources outwith the burghs would have been.

Although they were prevented from carrying out new elections in 1654, the choosing of officials by the English authorities would have been in breach of the burghs' traditional rights and liberties, which the English government had granted them in 1652 in return for the acceptance of the Tender of Incorporation, and which formed the basis of the burghs' tenuous allegiance to the Commonwealth. In addition the English authorities in Scotland, who were extremely concerned in 1654 with the



military affairs of the country, would have had to take time to appoint new leaders in the burghs. Such action would have caused more problems than it would have solved. As the burghs were generally quiet at this time, with little evidence of disturbance, such a move would have been extremely unpopular with all sides and probably caused more disruption.

In 1655 orders were given by Monck that the municipal elections were permitted to take place at their usual time, and the burghs carried on as normal. However, the biggest threat to the burghs' autonomy and privileges came in 1657. In this instance, although the English authorities in London were the creators of the legislation, the threat came from the internal divisions and jealousies that existed within the Church of Scotland, and the pretensions some of the leading figures had on control of secular politics. Patrick Gillespie, a Remonstrant minister, who had been made the Principal of Glasgow University in 1652 by Cromwell, was a chief player in the divisions in the municipal politics in Glasgow, which came to a head in 1657. Although the incident was based on the internal politics of the Glasgow council, it potentially held repercussions for all the Scottish burghs.

There had been a struggle for control of the council in Glasgow since 1652, centred chiefly over the choice of the provost in 1652. In 1652, Daniel Wallace, a Remonstrant, and close ally of Gillespie, was nominated provost, a post which he continued to hold until 1655, mainly due to the suspension by the English of the municipal elections from 1653 until 1655. With the new elections ordered by the Scottish Council of State in 1655, Wallace was ousted by the rest of the Glasgow council, which consisted predominantly of members of the Resolutioner party. Gillespie and the Remonstrants were keen to have the qualifications for voting



changed, in order to use it to remove the Resolutioner party from civil office in Glasgow, as they had been unable to gain any sort of foothold by other means. The Remonstrants used the meeting and debates that were being held in Westminster, in 1657, over the selection of ministers for Scottish parishes, to introduce changes in the area of the voting in secular politics. Gillespie had courted the English authorities in Scotland and had made some influential friends. He had preached both at the English church in Edinburgh, and to the Circuit Court Judges when they came to Glasgow in 1656, when he had entertained them at his house.<sup>36</sup> He used this influence to gain support for his cause in London.

The Resolutioners were, when it came to the franchise, the more conciliatory of the church parties. The Remonstrants, on the other hand, wished the vote to be extended only to those who had been long term supporters of the parliamentary cause, which would have disenfranchised most of the Scottish people. Lord Broghill, a member of the Council of State in Scotland, had introduced a bill to parliament in March 1657 that would have offered the franchise to anyone who had lived peaceably under English rule since March 1652. This was in keeping with the conciliatory policy the English Council of State had been following in Scotland since 1652. By lobbying sympathetic members of parliament, mostly military men, headed in Parliament by Major General Lambert, Gillespie and the Remonstrants managed to get this bill amended by arguing that it would give too many Royalists the vote. The Resolutioners continued their efforts to try and get this amendment changed but the Remonstrants redoubled their efforts to stop the Resolutioner amendment being passed. When the House of Commons broke for the summer, the new voting regulations were on the statute book, and ready to be put in place in Scotland.

Broghill's original bill had dealt solely with the franchise for parliamentary elections, and it was Gillespie and his supporters who had included municipal elections in their successful counter amendment. There was little concern over this matter in parliament in England as few of the representatives were aware of the Scottish situation, nor were they particularly interested.

It was when this new legislation was used to interfere in the municipal politics in Scotland that problems really began. After interference by Gillespie, the Lord Protector halted the Glasgow council elections in October 1657, in order to check whether those who were to vote in the elections met the new, more strict qualifications passed by parliament. It was this interference in the burgh election in Glasgow that caused outrage in Scotland, not only amongst the Glasgow councillors, but also in the other burghs. Samuel Desborough, a member of the Scottish Council of State, wrote to John Thurloe, Cromwell's secretary, on 10 October 1657, that the suspension of the election had 'raysed feares in the burroughes that it may be their turn shortly; and if a magistrate should be imposed upon that towne, its lookt upon by many as a high breach of theyr priviledges settled by law and confirmed as they thinke, by the parliament'.<sup>37</sup> The other burghs had every right to be worried at this innovation in Glasgow; not only did it affect the privileges which they had protected so vigorously but, if forced on the rest of the burghs, it would have resulted in many councillors in the burghs being disenfranchised. Monck and the Council of State in Edinburgh were also dismayed at this order from London. The English authorities in Scotland had spent the years since occupation cultivating a good relationship with the burgh councils in Scotland, and relied on their support and expertise in running urban government. The suspension of the Glasgow elections, which had



repercussions for all the burghs, threatened to destroy all this. Eventually the matter was passed from London to the Council of State in Scotland and they quickly ordered that the election in Glasgow be continued in March 1658. At first the Council of State had attempted to appease Gillespie and his party as they were unwilling to further alienate either church party. At a meeting with the Resolutioners from Glasgow held in Edinburgh they had agreed a compromise that, at the next election in Glasgow at Michaelmas, nine of the present council would be removed and be replaced by nine of Gillespie's party, to be named by Desborough. However, the divisions and jealousies between the two parties ran too deep, and Gillespie refused to accept this.<sup>38</sup> In March 1658, the Resolutioner councillors in Glasgow were re-elected and 'wer the onlie men that Mr. Patrik haited as malignantis in his accompt'.<sup>39</sup>

Robert Baillie, a Resolutioner minister from Glasgow, wrote of the affair that it was unfortunate that Gillespie had stirred up trouble amongst the people of Glasgow as 'without him they would have been pretty quiet'.<sup>40</sup> Nicoll also reported that the Resolutioner council of Glasgow, that Gillespie had hoped to disenfranchise, were

for thair religioun the Wryter knawis not; bot for thair governament of the effaires of that toun, they sur past many befoir thame; for thair predecessouris did contract dett, and brocht the Toun under great burdings...quhilkes predecessouris and former magistrates wer all Mr. Patrikis creatouris.<sup>41</sup>

This was the only case where the Council of State in England interfered directly with the burghs in Scotland. It was much to the credit of Monck and the Council of State



in Edinburgh that they recognised the danger in this and succeeded in protecting the liberties of the burghs.

The other area that the central authorities began to tamper with that directly infringed on the burghs' autonomy was the setting up of the Commission of Peace by Broghill and the Council of State in 1656. The legislation for this had much in common with the statute of 1617, when James VI had attempted to set up a similar system of Justice Courts and which had proved to be not entirely successful. In 1656 it was decided that the Justices of the Peace were to have jurisdiction over such areas as fornication, drunkenness, riot, Sabbath breaking, and swearing. They were also to take over the administration of poor relief from the kirk session.<sup>42</sup> The burgh authorities were not entirely pleased with this innovation in the judicial system, as these were areas that previously they had had jurisdiction over in the towns. They saw the Commission of the Peace as a breach of the privileges that the State had promised they could retain. Broghill, careful to appease the burghs, promised to look at the towns' charters to see if there was a conflict of interest between the legislation and the burghs' liberties. Eventually, the Council of State in Edinburgh agreed that the civic authorities in the towns could act as Justices of the Peace within burghs, to be separate from the commission set up in the shires. They were, however, not completely independent, and were expected to co-operate with the legislation the Justices in the shire might pass.<sup>43</sup> This was a victory for the burgh authorities. By compromising on the issue of the Commission of the Peace, central government managed to prevent any discord amongst the burghs, and also served to further enhance the autonomy of the burgh.

In practice, there was little change in the way things operated in the burghs, and the way justice was carried out. In their respective town records the magistrates of Edinburgh and Glasgow were careful to note when they were acting as magistrates or as Justices of the Peace, but this was not the case in other burghs. There is little evidence that the burghs changed anything because of their new powers although there are very few Justice of the Peace records for the period extant. The burgh magistrates also managed to prevent any conflict of interest with the kirk session that the new commission had the potential for causing and the administration of justice in the burghs carried on much as it had before. What had been a potential area of conflict between the central authorities and the burgh councils resulted in a compromise and effective justice continued to be provided and enhanced in the towns.

### **The Burgh Councils' Attitude to the English Authorities**

Despite these incidents that challenged the burghs' rights, the councils were left to carry out their own government of their burghs more or less uninterrupted, and only on very few occasions did the English authorities think fit to try to interfere in internal burgh matters. When it came to internal burgh matters, the councils were very protective of their rights and privileges. The English military authorities seem to have recognised this and stayed out of civilian business. There were a few occasions when the army became involved in matters that the burgh councils regarded as threatening their autonomy, but these were few and far between.

When they did occur, they were usually matters that affected the soldiers stationed in the burghs. An example of this occurred in Linlithgow, in October 1652,



when Colonel Lytcott, the governor of the castle, requested that the provost limited the number of brewers allowed in the burgh to nine or ten. He argued that 'throw the multitud of brewstris drinking and profanitie incress and convenient quarterings ar taken up'.<sup>44</sup> The burgh officials were not prepared to do this, as they reported back to the governor, replying that there was already an extreme lack of trade in the burgh, and the brewers were needed by the burgh to pay cess and other charges if the town was to survive. They expressed their concern for the brewers as well, stating that 'otherwise they that were put out of their trade would be made to beg'.<sup>45</sup> The governor could not force the council to reduce the number of brewers in the town; as it was a matter for civilian government, the council continued to refuse to limit the brewers' numbers as requested. The council records for Linlithgow do not record any further interference by the local army in the burgh affairs until 1659, when the council sent two of its members to petition General Monck to order the officers of the garrison in the burgh to keep their soldiers at their duties, and to stop them seizing merchants goods, 'nor to brek up doores nor to use ony violence in seierching for unfrie guidis' in the town, unless they were commissioned by the council to do so.<sup>46</sup> This interference in burgh affairs was a breach of the liberties of the burgh, and the council was concerned about unauthorised searching out of goods by the army. The fact that these two incidents were noteworthy indicates that relations between the council and the garrison seem to have been, on other occasions, very amicable.

The policy of non-interference in the burghs' affairs encouraged a good relationship between the burgh councils and the central authorities which was, in turn, complemented by a good rapport between the councils and the local military personnel. Much of the success in the maintenance of a good communication



between the civic officials and the local garrisons was due to the fact that the burgh officials were very keen to foster good relations between themselves and the English authorities, both the military in their locality and, also, those in Edinburgh.

The councils were often keen to show hospitality and friendship towards the English leaders. When Monck was reported to be arriving in Dalkeith in April 1654, Linlithgow council decided that some of their members should be sent to Dalkeith to salute him, and to extend their welcome at his arrival for, they said, the sake of expediency. Those who went to Dalkeith reported back to the council that they were received by him with 'expressiones and promises' in return for their warm greetings.<sup>47</sup> It was not just national figures who were extended such a warm welcome. Burntisland council was also keen to make a good impression on the English leaders. When Colonel Mason arrived to take over as commander of the garrison in Burntisland in October 1655 the council sent along six men of the council 'to greet him and to make him welcome' in order to foster a good relationship between the burgh leaders and the military ones.<sup>48</sup> It was important for the councils, at a local level, to remain on good terms with the military as the affairs in garrison towns were based on mutual co-operation.

In June 1654, when the council of Perth heard that General Monck was coming to visit the garrison in the burgh, the council recommended that 'he be saluted be the magistrates and counsell and intertennyed in David Patersones hous the best way they can'. The council of Perth made great preparations for Monck's entry as burgess and bought as much spice and wine as their straitened finances would allow.<sup>49</sup> When Monck arrived in Perth in 1654, the council agreed that he and the other chief officers in his entourage should receive the 'burgess signet'.<sup>50</sup> In return, the council

acquainted him with their great sufferings and losses in the hope that he would look favourably on them. Indeed, after his visit they drew up a complete list of their grievances and sent them to him in September of that year, via the governor of the garrison of Perth, Colonel William Dundee.<sup>51</sup> The relationship between the council in Perth and the army in the garrison was, seemingly, a good one. In October 1656, just before the municipal election, the outgoing council sent the Dean of Gild and the magistrates to see the governor of the castle to give him thanks for 'his gude rull'.<sup>52</sup>

The giving of the office of burghess to Monck was not a unique event. From 1652 onwards, many of the burghs who had a garrison stationed in or near them, bestowed the honour of burghess-ships on the commanding officer and other chief officers in the garrison. The council of Perth agreed in October 1652 to enter the governor of the castle, the major and all the captains as burghesses of the town, which they did on 12 October in the provost's house. The army officers in their turn had to swear an oath of allegiance to the burgh.<sup>53</sup> The burgh leaders in Ayr bestowed burghess-ships on Thomas Tucker and John Linkhorne in 1656, when they came to conduct the survey for the custom and excise, again in the hope that they would look favourably on the town.<sup>54</sup>

Ayr council granted burghess-ship to all the officers stationed in the burgh, and also to leading figures from the government with whom they came in contact. In May 1656 they granted burghess-ship to the Judges Smith and Lawrence who arrived in Ayr for their circuit court.<sup>55</sup> In March 1659, Judges Moseley and Lawrence returned for another circuit court and, at that time, it was recorded that burghess-ship was granted to Moseley, to the new governor of the castle Captain Clifton, to William Scharp clerk to the judges, to three men who accompanied the judges, and also to a



servant of Judge Moseley. At the same time, other men were admitted at the desire of the judges and also at the desire of an officer at the garrison.<sup>56</sup> On 6 May 1659, the council also granted burgess-ship to Major Johne Jonstoune, the customer at the port 'for his assistance and good deids done and to be done thairto'.<sup>57</sup> Perth council also granted burgess-ship to the Judges Moseley and Lawrence in October 1655, when they arrived in the burgh, and they were given spice and wine at Daivid Jaks house to celebrate the occasion.<sup>58</sup> In Dumbarton the council made Captain William Davis, the governor of the castle, and other English officers in the garrison burgesses on 27 March 1656 and they spent a total of £2 sterling on 'confectiones, wyne and uther necessers' for the occasion.<sup>59</sup> Perhaps the reason for the admitting of these English authority figures as burgesses was revealed when the council of Ayr admitted Samuel Desborough as burgess on 1 July 1658. Then the council recorded that they did so in order 'that yr interest might be strenthened by having such ane honorabill persone concerned in them who did accept the same givin under the hand of the comoun clerk'.<sup>60</sup>

It was common practice to grant burgess status to the ordinary English officers of the garrisons, in what must have been an attempt by the councils to seek favour from them, by welcoming them to their burgh. In doing so perhaps the councils hoped the English officers would look upon them more kindly and foster better relations for the more equitable running of the burgh. It also meant that the army officers were drawn in more closely to the burgh affairs, as they were actually burgesses, and therefore had at least a small interest in the burghs' welfare. The army no doubt looked favourably on such matters as it encouraged, in a small way, the closer union between the two sides, and encouraged good order in the burghs.



## **Election of MPs for the burghs**

The other opportunity open to the civic authorities, where they could get pertinent matters aired, was through their representatives in parliament in London. The Scottish representation in the Protectorate parliaments has been discussed in other works, and generally it is agreed that the thirty seats allocated to Scotland was not only entirely inadequate, but also that the men who were elected represented, for the most part, English interests. Here it is to be examined, not who the MPs for the burghs were, nor how representative they were, but how, and if, the Scottish burghs made use of their parliamentary representation in Westminster.

The first elections in Scotland for sending MPs to Westminster were held in August 1654 for the parliament that was about to convene on 3 September 1654. According to the 'Instrument of Government and the Ordinance of Union' of 12 April 1654 there were 30 members of parliament to be elected for Scotland. Ten of these were to be elected by the burghs who had been grouped together geographically into constituencies by the 'Ordinance for Distributions of the Elections of Scotland', dated the 27 June 1654, as follows: Dornoch, Tain, Inverness, Dingwall, Nairn, Forres and Elgin; Banff, Cullen and Aberdeen; Forfar, Dundee, Arbroath, Montrose and Brechin; Linlithgow, Queensferry, Perth, Stirling and Culross; St. Andrews, Dysart, Cupar, Anstruther Easter, Pittenweem, Crail, Dunfermline, Kinghorn, Anstruther Wester, Inverkeithing, Kilrenny and Burntisland; Lanark, Glasgow, Rutherglen, Rothesay, Renfrew, Ayr, Irvine and Dumbarton; Dumfries, Sanquhar, Lochmaben, Annan, Wigtown, Kirkcudbright, Whithorn and New Galloway; and Peebles, Selkirk, Jedburgh, Lauder, North Berwick, Dunbar and

Haddington. There was to be one member elected from each of these constituencies and two from Edinburgh.<sup>61</sup>

The elections of the burghs' MPs in August 1654 were to take place in the centres named by the English authorities. These were Inverness, Dundee, Stirling, Cupar, Glasgow, Dumfries and Lauder. All of these (with the exception of Lauder, as Pinckney points out in his article) coincided with army garrisons.<sup>62</sup> However, as there were garrisons stationed in many of the towns of a reasonable size, it would have been almost impossible in many cases to avoid this. For example, the burghs of Linlithgow, Perth, Stirling, Culross and Queensferry were to meet in Stirling. Of these only Queensferry and Culross did not have a major permanent army presence in the burgh and, as these were the smallest of the five burghs, it was unlikely that the election would have been held there. Stirling was, arguably, geographically the most central town, and therefore the natural choice as a meeting place. In the case of the other constituencies the centre for election tended to be the largest burgh such as Glasgow, Inverness, Aberdeen and Dumfries. In the case of Fife, Cupar was probably geographically the most central of the burghs and the town where the Fife burghs' committee met on frequent occasions. It seems unlikely judging by the good government practised by the burghs in the years from 1652 to 1654 that the English authorities would have been particularly concerned about the elections of the members of parliament.

For all the burghs, the orders from central government came in July 1654 to elect a commissioner from each burgh to attend the place allotted for the election. A meeting of the Royal Burghs had been held in August 1654 to discuss the forthcoming elections, the burghs' part in them and also the qualifications for the



franchise. It was reported that those who had 'aided advysed assisted or abated in any war ag[ains]t the p[ar]lia[men]t since the year Jan[ua]r[y] 1641 (unles they have beine since in the service of the p[ar]lia[men]t and given signall testimoney of yr gud affectiones yrto)' were to be disenfranchised.<sup>63</sup>

The choice of a representative to go to the election in Stirling, caused problems for the Linlithgow council, as the process for electing of the commissioner had not been made clear by the government ordinance. They agreed that all the burgesses in town were to meet on 31 July 1654 to decide 'whither or not the councell alone shall meet and make choyce of the persone or persones to go to Stirling'.<sup>64</sup> It was decided at this meeting that the council alone should make the choice to avoid extra expense, presumably to try to sort the franchised from the disenfranchised, and duly the council elected the provost to go to Stirling accompanied by one of the bailies. The franchise was of little relevance to the burghs where only the council voted for a representative to go to the election; as councillors had to take the oath of allegiance to the Commonwealth, this was presumably proof enough that they were working for parliament. These men reported to the council on 7 August 1654 that they had done as they were instructed, but there had been no election held, as the commissioners for the burghs of Stirling and Perth had failed to appear.<sup>65</sup> The election was ordered again by the English authorities and on 31 August 1654 the council of Linlithgow chose the provost and another bailie to go to Stirling for the election which was to be held the next day. This time they were more successful, and the provost reported on 9 September that Colonel John Okey, an English army officer, had been elected as their MP.<sup>66</sup>



As it was, the efforts of the burghs turned out to be irrelevant as the first Protectorate parliament, which convened on 3 September 1654, was dissolved by Cromwell on 22 January 1655.<sup>67</sup> This hardly gave the Scots the opportunity to avail themselves of the chance to be heard in Westminster, whether or not their newly elected MPs were eager to represent the interests of their constituencies. Nor was it possible to ascertain whether or not the burghs were keen to call on the services of their parliamentary representatives.

Despite the brevity of the parliament, some burghs found the experience a fairly expensive one. The council records of Burntisland show that the MP elected in 1654 was one James Sword, a Scotsman who had been St Andrews' commissioner to the negotiations for the Tender of Incorporation.<sup>68</sup> The burghs were expected to pay the expenses of their MPs, and the first payment for Sword was given to him less than a month after he was elected.<sup>69</sup> There was a note in the Burntisland council records that a meeting of the burghs in Dysart had given him £75 sterling for his expenses on that occasion. On 16 September 1654, the Burntisland council minutes noted that it had been informed he was coming for his money, and it was forced to take it from the coal and candle money that it had collected, as it had not had time to raise the money for his pay. In return for the money the Burntisland council appointed three of its members to think about what instructions it wished to give him about issues to raise in Parliament concerning the burghs in general, and Burntisland in particular.<sup>70</sup>

Whether or not Sword paid any attention to these instructions, if indeed any were given, is unknown. What is sure is that the remaining dealings the burghs of Fife had with him concerned wrangles over his payment. At a meeting of the burghs

of Fife in December 1654 Sword sent word from London that he wanted the rest of his pay given to Thomas Glover, the collector for Fife.<sup>71</sup> Again, in February 1655, after the parliament had been dissolved, the burghs agreed that a quarter of a month's cess was to be given to Sword.<sup>72</sup> Yet he still was not satisfied, and in May of that year a commissioner of the committee of burghs of Fife was sent to see Sword to negotiate the amount of money he was demanding. The commissioner returned to report that he had had no end of arguments with the man over his maintenance, but nothing could be agreed upon. The burghs decided that they would send a representative to Monck in Edinburgh and present to him their grievances over the matter of Mr. James Sword.<sup>73</sup>

This marked an increasing downturn in the relations between the burghs and Sword. He continued to write to each individual burgh in Fife asking for money and, Burntisland agreed that they would enquire as to what other burghs outside Fife were doing in relation to their MPs in order to put the matter to rest.<sup>74</sup> In August 1655 there was a difference of opinion reported in the Burntisland council minutes between Sword and the council, over a visit it had arranged for him to make to see the harbour repairs.<sup>75</sup> Nothing more was done about the matter and in August 1656 the burghs of Fife elected a new MP for parliament, but Sword still demanded pay he said he was due.<sup>76</sup> The committee of burghs at Cupar agreed that he was to be given a quarter of a month's cess payment for his service at the last parliament, as a final offer to him. However, the burghs, who had other more pressing financial demands, were not quick to pay a man with whom they had had such trouble, and in November 1656 his arrears still had to be paid.<sup>77</sup> In addition to this the burghs had to pay for their new MP, and in December 1656 the burghs of Fife, meeting at Kinghorn,



agreed to pay to their MP, Nathaniel Wetham, £100 sterling, which was half a month's cess. All the burghs agreed to this sum, except St. Andrews which disagreed not on the amount to be paid to Wetham, but on a matter of procedure, as it wished the amount to be calculated from the current cess roll.<sup>78</sup>

The shortness of the first Protectorate parliament meant that there was little evidence on which to assess whether or not the burghs found any sort of representation of their interests at Westminster. The elections of August 1656 brought a change of many of the MPs and also a change in the attitude of many of the burgh councils and their new representatives. There are a number of explanations that can be put forward for this. The parliament which convened on 17 September 1656 lasted until 4 February 1658, giving the constituencies a longer period to avail themselves of the services of their parliamentary representatives. By 1656, the burghs themselves were more settled in the Commonwealth regime, and the introduction of the Council of State for Scotland in 1655, which had signalled the move away from an army regime towards a civilian government in Scotland, meant that it was perhaps easier for the burghs to begin to explore parliamentary avenues in pursuit of their aims. The country was more settled, in general, in 1656 than in 1654, and the first Protectorate parliament 1654 had come at a time of increased tension due to the rebellion in the Highlands. During the next two Protectorate parliaments the burghs began to use their MPs to try to lobby parliament for local issues, and more specifically, for redress of their grievances.

In August 1656, Colonel Henry Markham was elected as MP for the constituency of Perth, Stirling, Linlithgow, Culross and Queensferry.<sup>79</sup> Linlithgow council was immediately eager to use the parliamentary channels open to it, as, less



than two weeks after the election, the provost suggested that the members of the council should think of specific grievances the burgh would like to send to their MP, to be lobbied for them in parliament in London.<sup>80</sup> In Burntisland, too, there was evidence that the burghs of Fife were quick to try to make use of their new MP. The services of Colonel Nathaniel Wetham were called upon in October 1656, when a letter was sent from the burghs of Fife asking him for his help in abolishing the Act of Debtor and Creditor, which had been passed in parliament, and which they felt seriously injured the burghs' financial interests. They also asked him to see if he could get the excise abated, or alternatively, to get it set to the burghs themselves upon reasonable terms.<sup>81</sup> Although these were common issues over which the burghs had tried to gain redress with the government authorities in Edinburgh, it is interesting that at the first opportunity they approached the authorities in London.

Many of the burghs tried to foster good relations with their new MPs. In Fife, in April 1657, the council of Burntisland received news that Wetham had come to Edinburgh. It sent its usual representative David Seaton to 'salute him....and to concurre wt the rest of the burrowis in anything they doe for making him welcome'.<sup>82</sup> This attempt to make Wetham welcome met only with partial success for the burgh. When they sent David Seaton to meet him again in July 1657, to speak to him about supplicating the Council of State for abatement of the cess for the burghs, Wetham answered by saying that, as 'the parlia[men]t had ordorit the same.... the counsell could not alter it'.<sup>83</sup> It is clear that although Wetham was their MP, he was still part of the English regime and his duty as their representative was not his only remit.

Despite this setback, the Fife burghs did not abandon the attempt to use their MP to help redress their financial grievances, which were the most pressing concern for them, and in particular to help clarify the procedure for collection of the cess. In August 1657, a report from a meeting of the burghs of Fife ordered that a representative from Kirkcaldy was to go to Wetham in Edinburgh on behalf of the Fife burghs. He was to 'lay out the greviance of the asses to him and endeavour by his meanes for redress and to apply to the g[e]n[er]all for redres of the disproportion of q[ua]rtering and as to the way of raising the asses some does it in the old way by the counsell and some by the bailies appointing assessors'.<sup>84</sup> It was an almost impossible task to have the cess reduced but, as an army officer, Wetham would have been knowledgeable about the financial drain of quartering and assessment. However, he would also know how much the army needed the money and how much in arrears his soldiers were.

The individual MPs seem to have had little success for the burghs when it came to the question of reducing the cess and, in November 1657, a Particular Convention of burghs, held in Edinburgh, elected an agent to lobby parliament for further reductions in the proportion of cess laid on the burghs.<sup>85</sup> It may well be that the burghs were keen to explore every political avenue open to them and by electing an agent for this purpose in Westminster, the burghs as a whole felt that there was something for them in the political process in London. The Convention of Burghs had a permanent agent in London, William Thompson, to look after the Scottish burghs' interests there. This was important during times when the parliament was not sitting, and in February 1655, after the dismissal of the parliament of 1654, a



Particular Convention of burghs had sent a commission to Thompson, to continue lobbying over affairs concerning the burghs in London.<sup>86</sup>

In September 1656, a Particular Convention of burghs held in Edinburgh agreed that this time there was no need to elect a specific agent to look after their affairs in London, with the start of the new parliament. Instead they called on the services of Andrew Ramsay, the provost of Edinburgh, who was travelling to London to represent the city's interests as one of its MPs. He was chosen by the Convention to look after the interests of all the burghs, and instructions were prepared by the Convention to be sent with him instead. Ramsay did indeed go to London, and was sent again by Edinburgh council in March 1658 for the same purpose.<sup>87</sup> Whether or not he served the burghs well as a whole, he was certainly not held in favour by the rest of the council of Edinburgh when he returned in September 1658. Nicoll reported in his diary that he was regarded as 'acting nothing, bot that he procured to himselff the ordour of knychthood, and spending much money to the Toun'<sup>88</sup>. Under the cloud of these accusations, he was relieved of his office by his fellow councillors.<sup>89</sup>

The other MP who had been elected by Edinburgh in 1656 was Lord Broghill.<sup>90</sup> Previously, it had been usual for a representative of the crafts to be one of the city's commissioners, but the city council noted that, after discussion, the deacons of the guilds had agreed to suspend this privilege for a while, as matter of political expediency. The council announced that they had elected Broghill because he was 'ane eminent person of autoritie and place to represent this burgh who in probabilitie may have power to procure from the said Supreame Autoritie in this exigencie of tyme some comfortable relief'.<sup>91</sup> It is clear that the Edinburgh city



fathers were looking at their representation in parliament as an opportunity to try to lessen the financial demands on themselves. Money was the main motivating factor for most of the burghs in petitioning their MPs. With the Convention of Burghs willing to pay for an agent to lobby on the burghs' behalf at parliament, it is clear that the burghs thought that there was a place for them in national politics, despite so few representatives. They seemed determined to use every political avenue open to them that the union provided.

Some burghs were more demanding of their MPs' services than others. Colonel Henry Markham, who was the MP for Linlithgow, had been recommended for election to the burghs in the Stirling constituency by General Monck, in a letter dated 16 August 1656. He was described by Monck as 'ane verie honest man and an who may do them verie gude'.<sup>92</sup> Markham was duly chosen by the burgh commissioners as an MP. There was no evidence that the burghs were forced to accept Monck's recommendation, but in doing so they kept in favour with the English authorities and, particularly, the Council of State in Edinburgh. They also got in return the services of an MP who had knowledge of the parliamentary system, and was more likely to be heard sympathetically in London.

Markham proved to be a successful choice, particularly for Linlithgow, who enlisted his services to help them lobby parliament for the rebuilding of their tolbooth and other municipal buildings. On 21 March 1657, the council received a letter from him with a copy of the petition that he had presented to Cromwell with reference to their tolbooth, and with it a note from Cromwell to the Council of State in Scotland to take notice to supply the burgh with the funds.<sup>93</sup> More correspondence followed, instructions were sent from the council to Markham, and, within a few

weeks replies always followed, showing that he took care to carry out their instructions.<sup>94</sup> Markham appears to have been very efficient in dealing with the town's business, and he helped Linlithgow gain Cromwell's sympathy over their plight, receiving orders from the Lord Protector to help them.<sup>95</sup> As explained before, nothing was ever done in practice to help rebuild Linlithgow's tolbooth despite all the best efforts of their parliamentary representative (see pp 151-154). Markham appears to have been very conscientious in his role as MP and, on 15 June 1657, the council received a letter saying that he had been sent to Dublin on business and, therefore, he would not be able to deliver the petition it had sent him to the Council of State. He would, however, he said, give the petition to Andrew Ramsay or Sir Alexander Wedderburn, another MP, to present it for him. The provost of Linlithgow went to see Ramsay to acquaint him of the business and he became the burgh's contact with London in the absence of Markham.<sup>96</sup>

The election of 1656 was not the only one where Monck recommended candidates to the constituencies. In January 1659, Monck and Desborough were keen to see certain men elected in Scotland and they sent letters to at least two of the constituencies, recommending men to be MPs for the forthcoming parliament. At Stirling the new election resulted in Thomas Waller of Lincoln being chosen 'in obedience to the desyr and recommendation of Generall Monck and Lord Desbrut'.<sup>97</sup> Waller never even visited his Scottish constituency, and probably had little interest in Scottish politics.<sup>98</sup> His lack of knowledge about Scotland, did not deter Linlithgow from making use of his services. The provost drew up a letter addressed to the Protector, parliament and Waller concerning the matter of the tolbooth, which was still unresolved. He took it to Edinburgh in March 1659, and delivered it to a Colonel



Barclay, a Scotsman who served in the English administration in Scotland, and who had been an MP for Kincardineshire and Forfarshire in 1654. They informed Barclay of the matter and hoped that he 'would befreind us and agent the same for us'.<sup>99</sup> Despite the problems that the Scottish MPs had in the parliament of 1659, and despite his lack of knowledge of Scottish issues, Waller still managed to write to the burgh in November of 1659 to say that he had presented their petition to the Lord Protector and parliament as they had directed him to.<sup>100</sup> He was a busy man in other areas of politics and he had been elected by the Commons as the chairman of the committee on privileges.<sup>101</sup>

The burghs based at Stirling were not the only constituency that Monck recommended a candidate for. At the election at Lauder, Monck recommended Dr. Thomas Clarges, he being, as the burgh of Haddington noted in their council records, his brother in law.<sup>102</sup> In 1656 he had been elected for the burghs meeting at Banff and at Peebles as well.<sup>103</sup> This time there was an added incentive for the burghs to do as Monck wished in electing their MPs. Not only did he stress the quality of the candidates, he also added that 'he will do what you wish and will not expect any allowance for his service'.<sup>104</sup>

Monck was keen to see as many as possible of his supporters, and those supporters of the Protectoral interest, elected to parliament, but the politics of the English parliament were of little interest to the Scottish burghs.<sup>105</sup> These recommendations by Monck and Desborough do cast some doubt over whether there were free elections on the part of the burghs. However, there was little evidence to suggest that Monck would have insisted on his candidate's election. The choice of man was of little significance to the burghs in Scotland anyway, as their contact with



parliament was limited. As it was, the Convention of Burghs employed their own interests in Westminster to lobby on behalf of the burghs, and Monck's offer of candidates who would not be a further drain on the burghs' already over-stretched finances was perhaps the biggest inducement of all for the burghs.

The free service of an MP was no small incentive as the payment for an MP's services was often a considerable sum. For example, when Elgin council received the bill for their MP for 1 September 1656 until the 31 May 1657, it cost them £150.16.6 sterling. That was their part of a total sum for burghs north of the Spey, which was £819 sterling, in total, for that period.<sup>106</sup> In February 1655, at the end of the first Protectorate parliament, Dumbarton was asked to supply £6 sterling as part of the £110 sterling for a commissioner for parliament for the burghs centred in Glasgow.<sup>107</sup>

There is some evidence that the burghs were not all that inclined to see London as the place to fight their political battles, and the elections of MPs were never likely to result in dissent. Nor did the burghs push to have their own representatives elected as MPs. In August 1654 Stirling actually sent the English governor of the castle, Colonel Thomas Reade, as their representative to the election.<sup>108</sup> He was able to act as their deputy as he had been created a burgess of the burgh, like all the army officers in the garrison. Stirling council probably considered that he was most likely to be able to make a good choice of person for them. Reade, himself, was elected parliamentary commissioner for the constituency covering the shires of Linlithgow, Stirling and Clackmannan in the same election.<sup>109</sup>

Very little time was taken up in any of the Protectorate parliaments with Scottish affairs. In fact, in the Parliament of 1659, more time was taken with the

arguments that the Scottish representatives were holding their seats illegally, as they had not been laid out specifically in *The Humble Petition and Advice*, the document accepted by parliament in May 1657 which had laid out the constitution in a written form.<sup>110</sup> The parliamentary representation of the burghs was, to a great extent, academic. It seems to have mattered little to the burgh authorities what nationality their MPs were, or whether they were military or civilian. What was more important was that the burghs were keen to use parliament as yet another avenue to try to redress their grievances, particularly those of a financial nature. This willingness to make use of this aspect of the union settlement is an illustration of how the burghs began to become integrated into the Commonwealth as the decade progressed.

The burghs in Scotland had been political in nature and had had their own representation in the parliaments in Scotland before the 1650s, but during the English regime they were removed from the national political scene, not only by distance, but also by their lack of direct involvement in parliament. Because of their political past, it was perhaps not surprising that some of them were keen to use what representation they had in Westminster, despite its limited nature.

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<sup>1</sup> *The Diary of Alexander Brodie of Brodie, 1652-1680*, ed. D. Laing (Spalding Club, 1863), 49.

<sup>2</sup> NAS, B9/12/9, Burntisland Council Minutes 1646-1653, fo. 346.

<sup>3</sup> NAS, B9/12/10, Burntisland Council minutes, 1652-1655, fo. 93b.

<sup>4</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 18a.

<sup>5</sup> NAS, B9/12/11, Burntisland Council minutes, 1655-1660, fo. 8b.

<sup>6</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 16b.



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- <sup>7</sup> NAS, B58/13/2, Peebles Council Minutes, 1652-1678, fo.30.
  - <sup>8</sup> NAS, B28/7/1 Fortrose Court and Council Records, 1647-1658, fo. 13.
  - <sup>9</sup> NAS, B28/7/1, Fortrose Court and Council Records, 1647-1658, fo. 17.
  - <sup>10</sup> NAS, B28/7/1, Fortrose Court and Council Records, 1647-1658, fo. 18.
  - <sup>11</sup> B60/6/1, Pittenweem Council Minutes, 1629-1727.
  - <sup>12</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 43b.
  - <sup>13</sup> *Edinburgh Burgh Recs.*, 1655-1665, 97.
  - <sup>14</sup> *Extracts from the Records of the Royal Burgh of Lanark 1150-1722*, ed. R. Renwick (SBRs,1893), 173.
  - <sup>15</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 462.
  - <sup>16</sup> *A Diary of Public Transactions*, 67.
  - <sup>17</sup> *ibid.*, 168.
  - <sup>18</sup> *ibid.*, 168.
  - <sup>19</sup> *ibid.*, 189.
  - <sup>20</sup> *ibid.*, 189.
  - <sup>21</sup> *Edinburgh Burgh Recs.*, 1655-1665, p. xliii.
  - <sup>22</sup> *ibid.*, p. xliii.
  - <sup>23</sup> *ibid.*, 20.
  - <sup>24</sup> *ibid.*, 20.
  - <sup>25</sup> *ibid.*, 27.
  - <sup>26</sup> *ibid.*, 34.
  - <sup>27</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 470.
  - <sup>28</sup> Smith, 'Cromwell and Scotland', 211.
  - <sup>29</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 470.
  - <sup>30</sup> NAS, B9/12/9, Burntisland Council Minutes, 1646-1653, fo. 51b.
  - <sup>31</sup> B59/16/4, Register of Acts of Town Council of Perth, 1652-1654.



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- <sup>32</sup> NAS, B9/12/9, Burntisland Council Minutes, 1646-1653, fo. 51b.
- <sup>33</sup> *Edinburgh Burgh Recs.*, 1642-1655, 317.
- <sup>34</sup> *Cal State Papers Domestic*, lxxxiv, 1654, 84.
- <sup>35</sup> *ibid.*, 296.
- <sup>36</sup> D. Laing (ed.), *Letters and journals of Mr. Robert Baillie, Principal of Glasgow*, iii (Bannatyne Club, 1842), 322.
- <sup>37</sup> *Extracts form the Records of the Burgh of Glasgow, 1630-1662*, ed. J.D. Marwick (SBRS, 1881), 382.
- <sup>38</sup> *ibid.*, 388.
- <sup>39</sup> *A Diary of Public Transactions*, 211.
- <sup>40</sup> Laing (ed.), *Letters and Journals of Mr. Robert Baillie*, iii, 362.
- <sup>41</sup> *A Diary of Public Transactions*, 211.
- <sup>42</sup> Smith, 'Cromwell and Scotland', 174.
- <sup>43</sup> *ibid.*, 173.
- <sup>44</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 442.
- <sup>45</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 442.
- <sup>46</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 735.
- <sup>47</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 487.
- <sup>48</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 19a.
- <sup>49</sup> NAS, B6/16/5, Register of Acts of Town Council of Perth, 1654-1658.
- <sup>50</sup> NAS, B6/16/5, Register of Acts of Town Council of Perth, 1654-1658.
- <sup>51</sup> NAS, B6/16/5, Register of Acts of Town Council of Perth, 1654-1658.
- <sup>52</sup> NAS, B6/16/5, Register of Acts of Town Council of Perth, 1654-1658.
- <sup>53</sup> NAS, B6/16/4, Register of Acts of Town Council of Perth, 1652-1654.
- <sup>54</sup> B6 /18/3, Ayr Council Minute Book, 1655-1663.
- <sup>55</sup> B6 /18/2, Ayr Court Book, 1640-1668, fo. 148.

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- <sup>56</sup> B6/18/22, Ayr Court Book, 1640-1668, fo. 148b.
  - <sup>57</sup> B6/18/22, Ayr Court Book, 1640-1668, fo. 150a.
  - <sup>58</sup> NAS, B6/16/5, Register of Acts of Town Council of Perth, 1654-1658.
  - <sup>59</sup> B16/1/13, Dumbarton Council Minute Book, 1655-1673.
  - <sup>60</sup> B6/18/3, Ayr Town Council Minute Book, 1655-1663.
  - <sup>61</sup> C. H. Firth and S. Rait (eds.), *Acts and Ordinances of the Interregnum* (London, 1911), 930.
  - <sup>62</sup> P. J. Pinckney 'Scottish Representation in the Cromwellian Parliament of 1656' (SHR, 1967), vol xlvi, 98.
  - <sup>63</sup> NAS, B9/12/10, Burntisland Council Minutes, 1652-1655, fo. 80b.
  - <sup>64</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 31/7/54
  - <sup>65</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 502.
  - <sup>66</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 504.
  - <sup>67</sup> S. R. Gardiner, *History of the Commonwealth and Protectorate, 1649-1656*, iii (London, 1903), 178.
  - <sup>68</sup> NAS, B9/12/10, Burntisland Council Minutes, 1652-1655, fo. 81b.
  - <sup>69</sup> NAS, B9/12/10, Burntisland Council Minutes, 1652-1655, fo. 86b.
  - <sup>70</sup> NAS, B9/12/10, Burntisland Council Minutes, 1652-1655, fo. 86b.
  - <sup>71</sup> NAS, B9/12/10, Burntisland Council Minutes, 1652-1655, fo.95b.
  - <sup>72</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 1b.
  - <sup>73</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 8b.
  - <sup>74</sup> NAS, B9/12/11, Burntisland Council Minutes, 1652-1660, fo. 10a.
  - <sup>75</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 13b.
  - <sup>76</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 47b.
  - <sup>77</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 65b.
  - <sup>78</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 69b.
  - <sup>79</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 604.



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- <sup>80</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 605.
- <sup>81</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 53b.
- <sup>82</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 79b.
- <sup>83</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 8b.
- <sup>84</sup> NAS, B9/12/11, Burntisland Council Minutes, 1655-1660, fo. 88b.
- <sup>85</sup> *Burgh Convention Recs.*, 451.
- <sup>86</sup> *ibid.*, 396.
- <sup>87</sup> *ibid.*, 432.
- <sup>88</sup> *A Diary of Public Transactions*, 207.
- <sup>89</sup> *ibid.*, 207.
- <sup>90</sup> *Edinburgh Burgh Recs.*, 1655-1665, 81.
- <sup>91</sup> *ibid.*, 81.
- <sup>92</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 603.
- <sup>93</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 537.
- <sup>94</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 618.
- <sup>95</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 537.
- <sup>96</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 545.
- <sup>97</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 726.
- <sup>98</sup> Dow, *Cromwellian Scotland*, 238.
- <sup>99</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 732.
- <sup>100</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 775.
- <sup>101</sup> J. A. Casada, 'Scottish Representation in Richard Cromwell's Parliament', *Scottish Historical Review*, li, (1972), 147.
- <sup>102</sup> NAS, B30/13/6, Haddington Council Meeting Records, 1658-1669.
- <sup>103</sup> Casada, 'Richard Cromwell's Parliament', 141.
- <sup>104</sup> NAS, B48/9/2, Linlithgow Town Council Minute Book, 1640-1659, fo. 721.



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- <sup>105</sup> Dow, *Cromwellian Scotland*, 238.
- <sup>106</sup> W. Cramond & S. Ree (eds.), *Records of Elgin, 1234-1800*, i (New Spalding Club, 1913), 301.
- <sup>107</sup> B16/1/1/3, Dumbarton Council Minute Books, 1655-1673.
- <sup>108</sup> *Stirling Recs*, 214.
- <sup>109</sup> Dow, *Cromwellian Scotland*, 150.
- <sup>110</sup> Casada, 'Richard Cromwell's Parliament', 144.

## Conclusion

If the magistrates and councillors of the Scottish burghs were prepared to accept the Cromwellian regime in 1652, they showed just how deep their loyalty to the union was in 1660. All the burgh councils thoroughly embraced the Restoration of the monarchy and many of the burghs celebrated, as Dumbarton did, by 'having of bonfyres throw the burghe and singing of psalms at the croce after prayer maid be the minister'.<sup>1</sup> The town authorities continued to carry on their business as normal even through the disruptive period of the Restoration. The transition from the Cromwellian occupation back to royal government appears to have gone smoothly, particularly in the towns. The continuity in burgh government they had shown throughout the 1640s and 1650s continued, despite further disruption. Nicoll noted that there were no courts held in the country from April 1659, except in the towns, where the burgh authorities carried on as normal and 'the Magistrates quhairof assumed to thameselffis that power, yit without warrand'.<sup>2</sup>

There does not seem to be any evidence of the burgh councils mentioning the English regime after it was over, and no councillors seem to have been censured for their part in co-operating with the regime. Indeed, the same magistrates and councillors continued in their offices in the burghs in the 1660s as they had in the previous decade. It was probable that the burgh élites did not see their actions of the 1650s as unpatriotic, despite the fact that they had agreed to the Tender of Incorporation and had all taken the oath of allegiance to the Commonwealth. The welfare of the burghs was the councils' main concern and, by safeguarding the burghs from the worst excesses of English interference, they had served their towns

well. It was this commitment to maintaining the burghs' rights and privileges that saved them from accusations of disloyalty.

In Linlithgow, the council members stayed much the same after the Restoration, but they took time to censure those who had been on the interim council of 1652, whose actions were against the good government of the burgh (see pp 59–63). They felt no qualms at accusing these men of joining with the 'enemies to monarchicall government and his ma[jes]teis law[ful]l auchie to obtaine yr ambitiones designes did so comply with the usurpers of the government'.<sup>3</sup> This was very revealing as it indicates that the members of the council who served during the 1650s did not see themselves as being in any way culpable, nor their actions in working under the English regime as being anything other than for the good of the burgh. However, those who had sought to undermine the liberties of the burgh by their actions of January 1652 were, they contended, guilty of gross crimes against both the burgh and the state. They accused them in 1661 of helping the English secure their position 'and joyn with thame to securir their tyrance and usurpatiu[n]', presumably by accepting the Tender of Incorporation. There was a fair measure of rewriting of history to their own advantage in this. Ironically, the willingness of the council of 1661 to work with the English throughout their period in power in the 1650s was of more use to the English authorities in strengthening their position in Scotland than the actions of the interim council of the four months in 1652.

Despite the destruction caused by the English invasion of 1650 and 1651, the English occupation brought a greater degree of public order and safety. It also brought a considerable element of political stability, which was seized by the burghs. In certain cases, the burghs used this stability to try to improve their position. By



1657, the council in Fortrose decided to make an application to the Convention of Burghs to become a royal burgh, although due to the continuing economic hardships, it contended that it was only able to do so if it was allowed a cut-rate assessment of less than £200 per annum.<sup>4</sup> They employed both an agent and a lawyer in Edinburgh, throughout the next year, to try to advance this matter. It was difficult to make any headway, as despite the best intentions of some members of the council, the absentee list at each council meeting continued to grow. The financial demands on the burghs and individuals, and the subsequent growing hardship and poverty evident in the 1650s, were perhaps the most important factors in shaping the experience of the burghs under the Cromwellian regime. The occupation provided the burghs with enough security in which to promote the restoration of the burghs' fortunes. However, for the English government, the maintenance of this stability became increasingly expensive. Despite cut-backs in the number of troops, the military occupation continued to prove increasingly costly; the upkeep of the fortifications needed to keep Scotland peaceful began to become a heavy drain on the burghs' already strained finances. Added to this was the cost of the innovations in civilian government; and with the continued insistence by the authorities in London that as much of the Scottish occupation as possible was to be paid for from revenue collected in Scotland, the financial demands on the Scottish people continued to multiply.

With the trade in the burghs disastrously affected by the war of the 1640s and the initial English military occupation, the continued lack of economic growth in the country affected the burghs most profoundly. They had no money, no trade and yet they bore the heaviest burden of the quartering and other demands of the occupying

army. Despite the moves towards civilian government in 1655 with the introduction of the Council of State, the burghs still continued to suffer the disruption and the economic burdens of military occupation. The fact that they continued to survive, and that burgh councils managed to keep on top of the financial demands, is testament to the sturdiness of the organisation of the Scottish burgh.

If the retention of Scottish burghs in their traditional form, by the English, and the accompanying non-interference in the internal workings of urban government, proved to be generally worthwhile for the central government, it was particularly so in the area of taxation. The experience the burgh élites had in regulating and collecting taxes and other payments in the burgh was of prime importance to the English authorities. The traditional leaders were well acquainted with the mechanisms of tax gathering and, at a time when demands were getting heavier, this experience and expertise was of great help to the English authorities in Scotland. The burghs proved able to produce the required amounts of taxation with the minimum of fuss. Councils consisting of new men, less experienced in burgh leadership, would have been of less use to the English authorities. They needed the cess payments to pay their soldiers, and the traditional leaders could deliver these straightaway, and were keen to do so. Retaining the ability to regulate their own financial payments meant that the burgh councils kept control of their own affairs to a large extent and, in turn, defended their rights and privileges. The complaints over the farming of their excise to outsiders after 1656 were proof of how jealously they guarded those privileges. The organisation of payments throughout the 1650s was a time-consuming task, which was most effectively run internally by the burghs. The regulation by the urban authorities of the finance of the burghs also helped to keep



the inhabitants quiet. Their continual review of the stent rolls, and their efforts to make sure that those that were poorest in the burghs did not suffer unjustly under the heavy taxation, was important for the overall morale in the towns.

The evidence of the council records shows that those in power in the burghs in the 1650s worked extremely hard to restore their burghs to their former glories and to restore the control the civic officials had over the burghs to their traditional levels. The instability and disruption of the 1640s and the breakdown of regulation in certain aspects of burgh life meant that the burgh councils were willing to accept incorporation and union with England if it provided them with the basis for regaining control over their burghs. The increased workload recorded in the burgh court books and the ordinary council minutes indicates how hard the burgh councils had to work to achieve this. The fact that they succeeded can be seen by the lack of disruption taking place in, and after, 1660. The demands of the English occupation served only to increase the endeavour of the councils to retain control of their burghs, and to defend their rights, privileges and freedoms. In turn, the civic authorities co-operated with the English authorities and this aided the establishment of the union between the two countries.

In 1652, the English had found the Scottish burgh authorities in a vulnerable position. Not only were the burgh leaders unsure as to what the English had in store for them in any political settlement, but the councils found themselves in a position where they had lost much of their tight control over their towns that they had once had, due to the disruption in society during the years of war and disturbances. Acceptance of the offer of a union with England, embodied, at first, in the political settlement of 1652, and the burghs' willingness to co-operate fully with the English



authorities was the only way in which they could begin to restore that control. The burgh councils' practical view of the occupation was such that for the burghs the union of the two countries started after the Tender of Incorporation was accepted in 1652. The passing of the union formally in 1654 made little difference to them as their policy of co-operation with the English had started in 1652.

The civic leaders had few distractions from the task of regulation of their own internal affairs. The years under the English regime and the union found the Scottish burghs in the political wilderness. They had nominal representation in parliament at Westminster, but they found their political standing in the Commonwealth and Protectorate society almost non-existent. This perhaps was fortunate for them as their distance from national politics in Westminster meant that the burgh councils could turn their whole attention to their internal burgh matters. This may well have resulted in speeding up of the burghs' return to normality.

One important factor in establishing the authority of the burghs in the eyes of the Commonwealth regime was the collective mentality that already existed amongst the Scottish towns. The Convention of Burghs provided a stable forum to discuss issues, and agree on policies that affected them all, as well as to provide support for individual towns. It was also more effective to lobby parliament as a group rather than individually, particularly at a time when the burghs were outside the realms of any real political influence. In practical terms it was also less expensive to lobby as a group interest, rather than as individual towns, as many found themselves geographically remote from the centre of government. The expense of paying one agent in London to look after their affairs saved the burghs money, trouble and expense. Many of the burghs, such as Ayr, already had to pay an agent in Edinburgh

and it was unlikely they could afford the further expense of representation in London. The help that the Convention of Burghs was to the smaller towns was repeatedly demonstrated in the 1650s. The continuing lack of trade, and increased hardships in the country, resulted in many of the smaller burghs being excused from sending representatives to the Convention on account of their poverty. At a time when the burghs had to rely on petitions to the English authorities in both Edinburgh and London, particularly over matters of trade and finance, the Convention provided even the poorest burghs with representation.

Economically, the years of English occupation offered the burghs little that was substantial. They came out of it with no increase in trade, and the chronic lack of money in the country and the heavy financial burdens on the people resulted in their further impoverishment. It is hard to see how the English regime could have continued to finance the military occupation of the country from taxation of the Scottish people for much longer. The poverty in the burghs had continued to increase throughout the 1650s and many of the inhabitants were forced to sell their household goods and clothes to pay the taxes. With no upturn in trade or manufacturing forthcoming, burgh councils would have found their task of keeping up payments to the central authorities becoming even more difficult.

Were the burghs disappointed with the union settlement, imposed on them by the English government? The answer to this is probably not. They were offered a political settlement, which, although they had little control over it, did give them, in theory, an equal footing with England in the union. By accepting this political settlement, the burgh authorities could work under the English with impunity, as it secured them a legal constitutional position. Perhaps, as time went on, they were



disappointed that the union did not bring more economic recovery, and that free trade with England did not help Scottish trade flourish. They also still found themselves troubled with an occupying force by the end of the decade, but, in general, the structure and government of the Scottish burgh emerged virtually unscathed by the experience of the union. The English brought security and stability for the burghs and, importantly, the burgh councils had succeeded in protecting their rights and liberties. This was a major success for them. One of the reasons why the burghs had had reason to distrust Charles I, had been the perceived threat to the liberties of the burghs, as, for example, when he had intervened in the election of magistrates in Edinburgh in the first year of his reign.<sup>5</sup> To have emerged from an 'enforced' union with England with their liberties unchanged was a major success for the burghs. The recognition of this by English authorities in Scotland, and their reluctance to interfere with the internal working of the burghs, was the major factor why the burgh councils had been prepared to, and continued to co-operate with the English in this period.

The English, and in particular Monck, were under no illusion as to the loyalty of the Scots, and knew that they were in no way committed to the union. Monck wrote to Broghill in January 1657 that, although things were quiet in the country, he knew that 'truly the Scotts are now as malignant as ever they were since I knew Scotland, and such men you would little believe are such'.<sup>6</sup> The sentiments of the Scots were well perceived at the declaration of Richard Cromwell as Protector, in Edinburgh in 1658. Of all the 5,000 or so persons present, it was remarked upon that 'nott one Scotchman open'd his mouth to say God blesse my Lord Protector'.<sup>7</sup>

Despite these sentiments, in the burghs at least, ordinary Scots seem to have cohabited peacefully enough with the English troops quartered upon them. The lack



of discontent and disturbance, evident in the burgh records, as has been emphasised before, was testament to the burgh councils' control of the situation and the good relationship they had built up with the local army command. The burghs suffered most through the presence of the occupying army, as the townspeople were forced to live in close proximity with the soldiers and bear the brunt of the material demands of the occupying force. The soldiers, if not the source of trouble, were a disruptive influence on the burghs, and for the years of the occupation the strict grip the civic and kirk authorities had had on the morals of the occupants of the towns was somewhat loosened by the disruptive effect of their presence. The burghs became increasingly overcrowded with both soldiers and economic migrants. It was inevitable that the normal life of the burgh was disturbed, resulting in an increase in drunkenness, swearing and fornication. The burgh and kirk authorities attempted to deal with the problem, and they made many efforts to try to punish those whom they found to be offenders in this area, both civilian and military. However, this rise in crime was only temporary and the behaviour of the inhabitants improved dramatically after the soldiers left in 1660.

The reaction of the burgh councils in Scotland to the English occupation and their acquiescence and co-operation with the regime should, perhaps, be seen as a reaction that was primarily determined by their status as burghs with entrenched privileges and interests to protect, and not by their political leanings or religious opinions. It appears that in England during the Interregnum, the town authorities reacted in much the same way as the councils in Scotland did, despite the fact that there were fundamental differences in the experience of the towns during the 1650s. In England, there was much more interference by the central authorities in the

working of the towns. The boroughs in England had been subjected to interference in their personnel by the central authorities during the years of the 1640s. In 1646 and 1647, parliament had put restrictions on electorates and the eligibility of candidates for municipal office, in order to secure loyal men in power in the towns. The corporations in England had also been subject to purges in their leadership, both from the outside, and internally. However, by the 1650s, things were more settled all over the country but the government continued to meddle in urban government in England. In September 1652, the Rump parliament called in all the town charters in England to amend them, as they thought suitable, for the new Commonwealth.

The councillors and magistrates in the English towns were expected, like all other officer holders, to take an oath of loyalty to parliament in September 1650 and, in January 1650, to take a further oath of loyalty to the Engagement (this required all adult males to engage themselves to be faithful to the new Republican regime). There is a certain comparison that can be made between the taking the oath of Engagement in 1650 by English civic officer bearers, and the taking of the oath of loyalty to the Commonwealth, in Scotland in 1652, by the Scottish councils. All the civic office bearers who took these different oaths were left unmolested by central government and allowed to carry on in their offices in the towns.<sup>8</sup> In the case of the oath of Engagement, many men took the oath, although they were not fundamentally committed to the ideals behind them.<sup>9</sup> J. T Evans noted in his work on Norwich that 'it would be surprising if Norwich officeholders in large numbers had refused to take the Engagement when Englishmen of almost all political parties did not trouble their consciences over it and complied'.<sup>10</sup> In the case of the Engagement, however, those who refused it were removed by the parliamentary authorities. In Scotland, the



authorities did so only if the burgh was of strategic importance, as in the case of the Glasgow council in March 1652. Elsewhere, the removal of those who refused the oath of loyalty was done internally, within the burghs. However, even after the purges in English towns, over the Engagement, there were complaints that the town councils still contained men who were not committed to the ideals of the Rump parliament, and who had ordered the Engagement.<sup>11</sup>

The case of Newcastle shows the similarities of the reactions of civic officials in the English corporations and Scottish burghs during the Interregnum. Howell, in his work on Newcastle in the 1650s, summed up the central problems that faced Newcastle during the Interregnum: the maintenance of an efficient and loyal government, the restoration of a normal economic life, and provisions for religion. These were the very same problems that the Scottish burghs were faced with in their years under English rule. In Newcastle, the leaders of the council were content to drift with the times and assume whatever role the situation required.<sup>12</sup> They did this by accommodating themselves to the changes of central government in pursuit of the main aims of the town. The town had drifted to war with the rest of the nation, had become a Royalist centre because it was occupied by Royalist troops, had become a parliamentary centre when it had been taken by the Scots and, finally, it welcomed the Restoration with the same enthusiasm seen in the Scottish burghs.<sup>13</sup> The first loyalty of the men in English towns was to their town, and they were not particularly concerned with national politics.<sup>14</sup> They, like their Scottish counterparts, were more concerned with keeping order and staying in power.<sup>15</sup> In Chester, also, the political loyalty of the civic leaders seems to have been based on opportunism. A.M. Johnson, in his study of the town, found that, from 1649 to 1659, the majority of aldermen and



all the council men 'found it expedient to acquiesce and co-operate in running the civil government of the city although they owed no particular allegiance to the central government of the day'.<sup>16</sup>

If the reactions of the civic authorities to the political changes occurring at a national level, were the same in Scotland as in England, it was perhaps due to the fact that the towns throughout Britain were faced with the same dilemmas. The problems facing the English towns during the 1640s and 1650s were high prices, food shortages, famine, unemployment, opposition to excise, opposition to taxes and quartering.<sup>17</sup> The Scottish burghs suffered much the same problems during the 1650s, and they even, to an extent, experienced the same problems in internal economic regulation as the English corporations. The Newcastle corporation complained endlessly, throughout the 1650s, of the problems of unfree traders. Here, as in the Scottish burghs, the corporations introduced increased amounts of legislation and repeated orders against those who violated the laws, in attempts to curb the situation.<sup>18</sup> However, they, like their Scottish counterparts, found that the problem continued to increase. Howell saw this as part of a wider breakdown in the guild restrictions in the towns, despite the determined opposition from the guilds and the burgh authorities.<sup>19</sup> As a garrison town, Newcastle also experienced the same problem as the garrison towns in Scotland had: that of the soldiers trading in the burgh, with little or no concern for the trading privileges of the Newcastle companies.<sup>20</sup>

It appears that the Scottish burghs' willingness to acquiesce and co-operate with the English during the occupation, was a similar reaction to that in most of the towns in Britain. What could be seen as political inconsistency on the part of the

towns' leaders, was no more than a manifestation of their preoccupation with local issues.<sup>21</sup> The same ideas of self-preservation and concern for the welfare of the burgh affairs were evident everywhere. Scotland's initial position, however, differed from the English, as although many of the English towns appear to have seen changes in their personnel initiated from outside the burgh, the Scottish burghs had more or less the same personnel in place, despite a decade of dislocation and disturbance. The Scottish urban office bearers were therefore even more keen to hold on to their positions under the new regime.

The smooth running of the burghs in the 1650s was one of the major successes of the English regime in Scotland in the 1650s. Smith noted that one of the failings of the regime in Scotland, as a whole, was the fact that it was impossible to find administrators who were loyal, efficient, and politically respectable. In an urban context, the traditional burgh leaders gave them this. However, by leaving the burghs to their own traditional ways, the English failed to achieve any real integration of the Scottish and English societies. They allowed the councils to carry on as normal since it provided them with a secure and stable urban base but, in the long term, they changed nothing in the burghs. The English did little that would have encouraged any real change of loyalty among the urban élites. The Scottish burghs emerged in 1660 from the union with England without any significant changes to their government or outlook, which was a testament to the success of their conservatism. The co-operation of burghs with the English brought stability, which both sides required if they were to survive and maintain the status quo in the 1650s.



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- <sup>1</sup> B16/1/1/3, Dumbarton Council Minute Books, 1655-1673.
  - <sup>2</sup> *A Diary of Public Transactions*, 265.
  - <sup>3</sup> NAS, B48/9/3, Linlithgow Town Council Minute Book, 1659-1673, fo. 32.
  - <sup>4</sup> NAS, B28/7/2, Fortrose Court and Council Records, 1647-1658, fo 17.
  - <sup>5</sup> D. Stevenson, 'The Burghs and the Scottish Revolution' in M. Lynch (ed.), *The Early Modern Town in Scotland* (London, 1987), 175.
  - <sup>6</sup> Clarke MSS li 25, Firth, (ed.), *Scotland and the Protectorate*, 347.
  - <sup>7</sup> Clarke MSS xxiv 96, in Firth (ed.), *Scotland and the Protectorate*, 342.
  - <sup>8</sup> J. T. Evans, *Seventeenth Century Norwich, Religion and Government 1620-1690* (Oxford, 1979), 183.
  - <sup>9</sup> *ibid.*, 183.
  - <sup>10</sup> *ibid.*, 187.
  - <sup>11</sup> D. Underdown, *Pride's Purge: Politics in the Puritan Revolution* (Oxford, 1971), 304.
  - <sup>12</sup> R. Howell, *Newcastle upon Tyne and the Puritan Revolution* (Oxford, 1967), 167.
  - <sup>13</sup> *ibid.*, 217.
  - <sup>14</sup> *ibid.*, 318.
  - <sup>15</sup> *ibid.*, 331.
  - <sup>16</sup> A. M. Johnson., 'Politics in Chester during the Civil Wars and the Interregnum', in P. Clark & P. Slack (eds.), *Crisis and Order in English Towns, 1500-1700* (London, 1972), 220.
  - <sup>17</sup> Underdown, *Pride's Purge*, 298.
  - <sup>18</sup> Howell, *Newcastle upon Tyne*, 270.
  - <sup>19</sup> *ibid.*, 278.
  - <sup>20</sup> *ibid.*, 217.
  - <sup>21</sup> *ibid.*, 339.



## Appendix A

**Table showing the acceptances by the burghs  
of the Tender of Incorporation, 1652<sup>1</sup>**

Haddington	12 February
North Berwick	12 February
Lauder	12 February
Dunbar	13 February
Linlithgow	18 February
Queensferry	18 February
Wigtown	27 February
Cullen	27 February
Edinburgh	27 February
Dundee	27 February
Aberdeen	27 February
Montrose	27 February
Brechin	27 February
Forfar	27 February
Arbroath	27 February
Crail	27 February
Perth	27 February
Banff	27 February
Burntisland	27 February
Dumbarton	28 February
Rutherglen	28 February
Jedburgh	28 February
Stirling	29 February
Anstruther Wester	1 March
Pittenweem	1 March
Elgin	2 March
Anstruther Easter	3 March
Culross	3 March
Cupar	3 March
Inverkeithing	3 March
Kilrenny	3 March
Kinghorn	3 March
Selkirk	9 March
St. Andrews	10 March
Glasgow	13 March
Dysart	16 March
Inverness	20 March
Dunfermline	24 March
Kirkcudbright	24 March
Peebles	25 March
Tain	26 March
Kirkcaldy	28 March
Forres	14 April
Dornoch	30 April

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<sup>1</sup> C. S. Terry (ed.), *The Cromwellian Union* (SHS, 1902).

## Appendix B

**Table showing the assessment levied on the burghs of Scotland  
for the months of July, August, September and October 1653<sup>1</sup>**

Area	Burgh	Amount of assessment (£ sterling)	Abatements	% of total, July, 1653 <sup>2</sup>	% of total (without abatements) 1649
North East	Dornoch	002.05.00	000.15.00	0.15%	0.15%
	Inverness	037.10.00	037.10.00	2.54%	2.50%
	Tain	007.10.00	002.00.00	0.51%	0.50%
	Dingwall	001.10.00		0.10%	0.10%
	Nairn	003.00.00	001.00.00	0.20%	0.20%
	Elgin	010.00.00	002.00.00	0.68%	0.67%
	Forres	004.10.00	002.10.00	0.31%	0.30%
	Banff	004.10.00		0.31%	0.33%
	Cullen	002.05.00		0.15%	0.15%
	Aberdeen	100.00.00	025.00.00	6.78%	6.67%
Tay	Dundee	105.00.00	105.00.00	7.12%	7.00%
	Arbroath	006.15.00	001.00.00	0.46%	0.50%
	Forfar	003.00.00	000.00.00	0.20%	0.20%
	Montrose	003.00.00	002.00.00	0.20%	2.00%
	Brechin	009.00.00	003.00.00	0.61%	0.60%
	Perth	060.00.00	060.00.00	4.07%	4.00%
Fife	Culross	006.15.00	003.15.00	0.46%	0.50%
	St Andrews	050.00.00	007.00.00	3.39%	3.30%
	Dysart	021.00.00	003.00.00	1.42%	1.40%
	Kirkcaldy	036.00.00	008.06.08	2.44%	2.40%
	Cupar	016.10.00	000.10.00	1.12%	1.10%
	Anstruther	012.00.00	006.00.00	0.81%	0.80%
	Easter				
	Anstruther	004.10.00	002.10.00	0.31%	0.30%
	Wester				
	Pittenweem	010.00.00		0.68%	0.70%
Forth	Dunfermline	012.15.00	006.15.00	0.86%	0.90%
	Crail	016.10.00		1.12%	1.10%
	Kinghorn	006.15.00		0.46%	0.50%
	Inverkeithing	007.10.00	005.00.00	0.51%	0.50%
	Kilrenny	002.05.00		0.15%	0.20%
	Burntisland	016.10.00	004.10.00	1.12%	1.10%
	Stirling	016.10.00	033.00.00	1.12%	1.10%
	Linlithgow	027.00.00	013.10.00	1.83%	1.80%
	South	006.15.00	005.15.00	0.46%	0.50%
	Queensferry				
	Edinburgh	540.00.00	340.00.00	36.62%	36.00%
	Haddington	027.00.00	005.00.00	1.83%	1.80%
	Dunbar	016.10.00	006.10.00	1.12%	1.10%



Area	Burgh	Amount of assessment (£ sterling)	Abatements	% of total, July, 1653	% of total (without abatements) 1649
Borders	North Berwick	003.00.00	002.00.00	0.20%	0.20%
	Jedburgh	013.10.00		0.92%	0.90%
	Lauder	005.05.00	001.10.00	0.36%	0.35%
	Selkirk	004.10.00		0.31%	0.67%
South West	Peebles	007.10.00	001.00.00	0.51%	0.50%
	Lanark	009.00.00		0.61%	0.60%
	Glasgow	097.10.00	040.00.00	6.61%	6.50%
	Ayr	021.00.00		1.42%	1.40%
	Irvine	015.00.00		1.02%	1.00%
	Dumfries	025.00.00		1.70%	1.67%
	Lochmaben	009.00.00	006.15.00	0.61%	0.10%
	Annan	009.00.00	006.15.00	0.61%	0.10%
	Wigtown	010.10.00	002.10.00	0.71%	0.70%
	Kirkcudbright	012.00.00	001.00.00	0.81%	0.80%
	New Galloway	000.15.00		0.05%	0.05%
	Renfrew	006.00.00		0.41%	0.40%
	Dumbarton	009.00.00		0.61%	0.60%
	Rothsay	004.10.00	000 15.00	0.31%	0.30%

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- <sup>1</sup> 'The assesse laid uppon SCOTLAND for the 4 monthes of July, August , September, October 1653' Clarke MSS xliii. 13, Firth (ed.),*Scotland and the Commonwealth*, 173-175
- <sup>2</sup> M. Lynch, 'Continuity and Change in Urban Society', R. Houston and I. Whyte (eds.), *Scottish Society 1500-1800* (Cambridge, 1989), 96-7.

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